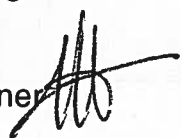


County of Loudoun
Department of Planning
MEMORANDUM

DATE: August 10, 2009

TO: Jane McCarter, Project Manager
Land Use Review

FROM: Marie Genovese, AICP, Planner 
Community Planning

SUBJECT: ZMAP 2005-0019, Belmont Estates – Fourth Referral

BACKGROUND

Belmont Land LC is the title owner of six parcels totaling approximately 20.58 acres of land located north of the W&OD Trail, west of Route 647 (Stubble Road), portions of which are located within the existing Village of Ashburn. Surrounding developments consist of Belmont Country Club to the north, the Ashburn Farm mixed-use development to the south, and the Ridges at Ashburn to the east. The property is currently zoned R-1 (Residential), CR-1, and CR-2 (Countryside Residential) and is governed under the provisions of the Revised 1993 Zoning Ordinance.

The proposal is to develop 23 single-family detached dwelling units (one of which is an existing structure) and 50 single-family attached dwelling units with a gross density of 3.6 dwelling units per acre.

The applicant has responded to Community Planning's third referral dated November 15, 2007. While the design of the site has changed, most of the issues raised in the third referral remain outstanding. Staff has outlined outstanding issues below.

OUTSTANDING ISSUES

Open Space: Plan policies state that Residential Neighborhoods will incorporate fully open space at a minimum of 30 percent of the gross acreage of the property, totaling approximately 6.17 acres for the subject property (Revised General Plan, Chapter 6, Residential Neighborhood Policy 3). Open space should consist of a mix of active and passive and/or natural areas (Revised General Plan, Chapter 6, Open Space Policy 1). Open space policies call for 75 percent of the required open space to consist of interior space thus neither required buffer areas nor "leftover spaces" should consist of more than 25 percent of the open space requirement (Revised General Plan, Chapter 6, Open Space Policy 3). Recreational areas should be centrally located, open to the surrounding streets and contribute to a sense of spaciousness (Revised General Plan, Chapter 11, Design Guidelines).

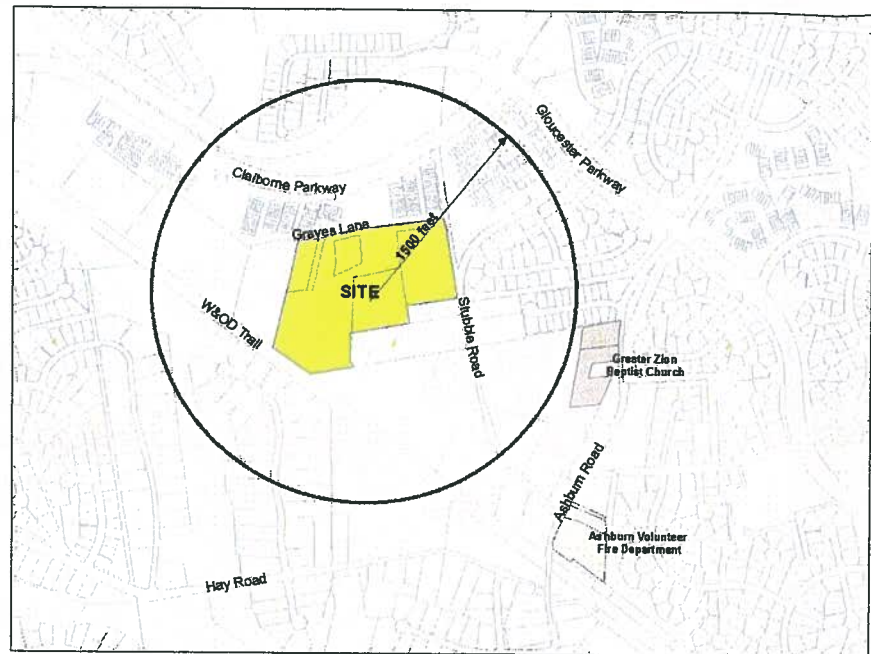
A-1

An unnamed tributary to the Beaverdam Run and its associated floodplain traverse the middle of the subject site, dividing the property into two land bays. The applicant is proposing two active recreation areas, one in each landbay. Both active recreation areas are delineated within the river and stream corridor resource, are not centrally located, and in the case of the active recreation space in landbay two are not open to surrounding streets. While the Plan does permit active recreation uses within the river and stream corridor resource, provided they complement or enhance the hydrologic processes of the river and stream corridor resource (Revised General Plan, Chapter 5, River and Stream Corridor Policy 18i), the location of the active recreation areas in these locations appear to be leftover spaces and do not promote a sense of community. Staff notes the applicant is requesting a Zoning Ordinance Modification to reduce the required setbacks along the property's western, eastern, and northern boundaries. The Plan provides that buffer reductions will not be permitted without substitution for other open space on an acre-to-acre basis (Revised General Plan, Chapter 6, Open Space Policy 10).

An Open Space Exhibit (Sheet 7) has been included with the submission materials. Staff notes that no more than 50% of the required open space can be satisfied by the river and stream corridor resource (Revised General Plan, Chapter 6, Open Space Policy 6). Furthermore, stormwater management facilities cannot account for more than 25% of the required open space unless they are developed as wet ponds with year-round amenities (e.g., with gazebos, picnic areas, or walking paths added) (Revised General Plan, Chapter 6, Open Space Policy 9j). Staff notes that lots 69-70 have been included in the open space tabulation as well as civic space. Lastly, it appears that leftover space has been included in the open space calculation.

Staff recommends updating the CDP to provide active recreation space for the community in a central location, open to the surrounding streets (see river and stream corridor resource and surface water discussion below). Staff further recommends updating the Open Space Exhibit to accurately depict those areas that meet the intent of the Plan.

Civic Space: Public and civic spaces play an important role in residential neighborhoods by providing a place for residents to meet and hold events and contributing to the community's identity and aesthetics. Public/civic uses should consist of public gathering places, creating a focal point for the community (Revised General Plan, Chapter 6, Residential Neighborhoods Policy 4d and Glossary). The Revised General Plan calls for residential neighborhoods to provide public and civic space at a minimum of 10% of the



gross acreage of the property, totaling approximately 2.06 acres for the subject site (Revised General Plan, Chapter 6, Residential Neighborhoods Policy 2). It is important to note that "for properties up to 50 acres outside of Keynote Employment designations, the land-use mix attributed to the various land uses may not be achievable due to the small size of the parcel. In such cases, an applicant for rezoning may vary from the land-use mix specified in the Plan by showing that an alternative is more appropriate to the specific site. This can be accomplished by providing the County with a survey of land uses within a 1,500-foot radius of the site" (Revised General Plan, Chapter 6, Land Use Pattern and Design Policy 8). A survey of land uses has not been included. Staff notes that the Ashburn Fire and Rescue Station and Greater Zion Baptist Church while located in close proximity of the subject property are outside of the 1,500 radius of the subject site (See Map).

An existing gazebo and a proposed picnic pavilion are delineated on the CDP totaling 0.16 acres. While these uses do not typically meet the Plan's intent for civic space, the picnic pavilion could serve as a community gathering space; however, no information has been provided regarding the number of tables provided.

Staff recommends revising the CDP to provide approximately 2 acres of civic space. Staff requests information pertaining to the number of picnic tables proposed within the picnic pavilion and a commitment to seating within the existing gazebo.

Pedestrian Access: The Plan calls for paths and trails located within the river and stream corridor resource to be of a permeable material only (Revised General Plan, Chapter 5, River and Stream Corridor Policy 18g).

Staff recommends the applicant commit to permeable trails within the river and stream corridor resource.

Interparcel Access: Staff notes that the interparcel connection previously provided with the property to the west is no longer included with this submission. Staff questions why this access has been removed.

Staff recommends updating the CDP to show interparcel connections as called for in the Plan.

Energy Efficient Design and Construction Principles: On September 18, 2007, the Board of Supervisors adopted revised housing policies that encourage development that utilizes energy efficient design and construction principles (Revised General Plan, Chapter 2, CPAM 2007-0001, Countywide Housing Policies, Guiding Principles Policy 12). Staff notes the applicant is requesting several Zoning Ordinance Modifications for the subject property. Section 6-1504 of the Revised 1993 Zoning Ordinance provides that modifications will not be approved unless the Board of Supervisors finds that such modification achieves an innovative design, improves upon the existing regulations, or otherwise exceeds the public purpose of the existing regulation. A commitment to energy efficient design and construction principles could help to facilitate an innovative design for the subject property.

Staff recommends a commitment to energy efficient design and construction principles.

Garages: The Plan calls for garages to be set back from the front façade of buildings so that the front of the building is the prominent feature (Revised General Plan, Chapter 11, Design Guidelines). The applicant has included requested Zoning Modifications on the CDP. The applicant is requesting a modification of the garage setback for lots 1-22 from 20 feet to 0 feet.

Staff does not support a modification to reduce the garage setback for the single-family detached lots. Staff recommends the applicant minimize the impact of the garage doors by emphasizing the pedestrian entrances as required in the Zoning Ordinance.

River and Stream Corridor Resources: As stated above, active recreation space is located within the river and stream corridor resource. While this is a permitted use when it complements or enhances the hydrologic processes of the river and stream corridor resource, the location does not meet other objectives of the Plan, which call for active open space to be centrally located, open to surrounding streets, and contribute to a sense of spaciousness. No information has been provided regarding how the proposed active recreation uses will enhance or compliment the river and stream corridor resource.

Staff recommends relocating the proposed active recreation areas to a central location outside of the river and stream corridor resource (see open space discussion above and surface water discussion below).

Surface Water – The Plan identifies that one major water resource issue for the County is the protection of surface water (i.e. streams and wetlands) from contamination and pollution (Revised General Plan, Chapter 5, Surface and Groundwater Resources Text). The Plan calls for a site design that preserves natural drainage features to the greatest extent possible, minimizing the creation of new impervious areas (Revised General Plan, Chapter 5, Surface Water Policy 16). The proposed development impacts a drainageway and wetlands in the eastern portion of the site. It appears that lots 21 and 22 are situated on an existing pond/wetland feature. The site could be redesigned, removing or relocating lots 19-22 creating a centrally located active recreation space open to surrounding streets while also preserving the wetland system in this area.

Staff recommends updating the CDP to provide active open space in the location of lots 19 and 20 and passive open space in the location of lots 21 and 22. The removal or relocation of these lots will allow for centrally located active open space open to the surrounding streets while also preserving wetlands (see open space discussion above). Staff further recommends the applicant commit to prioritizing mitigation for those areas of disturbance that cannot be avoided as follows: (1) onsite, (2) within the Broad Run Watershed within the same Planning Policy Area, (3) within the Broad Run Watershed outside the Planning Policy Area, and (4) Loudoun County, subject to approval by the U.S. Army Corps of Engineers and the Virginia Department of Environmental Quality.

Stormwater Management: The Revised General Plan calls for the protection of surface water resources from contamination and pollution and preventing the degradation of water quality in the watersheds (Revised General Plan, Chapter 5, Surface and Groundwater Resources Text). The County further promotes water conservation through low impact development (LID) techniques (Revised General Plan, Chapter 5, Surface Water Policy 2). LID uses natural vegetation and small-scale treatment systems to treat and infiltrate rainfall close to the source. LID's goal is to mimic a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain stormwater runoff. LID locates water quality measures at the closest possible proximity to proposed impervious areas. The applicant is proposing three stormwater management facilities, two of which are existing ponds and one is proposed to replace an existing pond. Note 16 on the Cover Sheet states LID techniques will be implemented where feasible. While staff understands the need for flexibility, this does not ensure the development of the site will include LID. Staff notes that the Army Corps of Engineers as well as the Virginia Department of Environmental Quality often do not permit stormwater management facilities that are on-line with jurisdictional waters, such as the existing ponds on the subject property. When they are permitted, applicants typically need to show LID techniques elsewhere onsite. Therefore, staff maintains that the applicant needs to commit to LID techniques for the subject property.

Staff recommends a commitment to LID techniques on the subject property. Staff defers to the Environmental Review Team regarding appropriate LID techniques for the subject property.

Forests, Trees, and Vegetation: The Plan calls for the preservation, protection, and management of forests and natural vegetation for the various economic and environmental benefits that they provide, and for the submittal and approval of a tree conservation or forest management plan prior to any land development that "demonstrates a management strategy that ensures the long-term sustainability of any designated tree save area" (Revised General Plan, Chapter 5, Forests, Trees and Vegetation Policies 1 & 3). Tree Conservation Areas (TCAs) have been delineated on the CDP within the river and stream corridor resource and within buffers, including the existing fencerow adjacent to the W&OD Trail. Staff notes that not all of the trees within the river and stream corridor resource have been designated as TCAs. Furthermore, it appears that the river and stream corridor resource affords a great opportunity for reforestation to help offset the impacts of the proposed development.

Staff recommends delineating all of the existing vegetation within the river and stream corridor resource as a Tree Conservation Area. Staff suggests the applicant work with the Environmental Review Team to identify appropriate measures for reforestation of the river and stream corridor resource.

Affordable Housing/Unmet Housing Needs: On September 18, 2007, the Board of Supervisors adopted revised housing policies with particular attention to unmet housing needs of households earning up to 100% of the Washington Metropolitan Area Median Income (AMI, \$102,700 effective March 19, 2009), that being the area of greatest need in the County (Revised General Plan, Chapter 2, CPAM 2007-0001, Countywide Housing Policies, Guiding Principles Policy 2). Policies also recognize that the largest segment of unmet need is housing for incomes below 30% AMI (Revised General Plan, Chapter 2, CPAM 2007-0001, Countywide Housing Policies, Guiding Principles Policy 14). To help meet these needs, developers of residential and mixed-use projects should include funding commitments and proffers to fulfill unmet housing needs in their development proposals (Revised General Plan, Chapter 2, CPAM 2007-0001, Countywide Housing Policies, Funding Policy 1). The June 19, 2009 response to staff's comments provides that the development is envisioned to be comprised of housing appropriate for families making up to 100% of the AMI; however, no commitments have been included.

Staff recommends the applicant provide a commitment that addresses the full spectrum of unmet housing needs up to 100 percent of the AMI.

Capital Facilities: On July 21, 2009 the Board of Supervisors adopted new capital intensity factors, which apply to all rezoning or Concept Plan Amendments which have not yet been heard by the Planning Commission. As the proposed project has not been

A-6

heard before the Planning Commission the new capital intensity factors apply to the subject site. The capital facilities impact of the proposed development is \$1,834,195 (see Attachment 1).

Staff recommends that the impacts of the proposed development be mitigated.

Zoning Modifications: The applicant seeks to modify the Zoning Ordinance to allow:

1. The existing single-family detached lot located in landbay 2 to be served by private streets;
2. A reduction in the district size from 25 acres to 20.58 acres;
3. A reduction in the buffer along the western property boundary from 50 feet to 25 feet and along the northern and eastern property boundaries from 50 feet to 10 feet;
4. An elimination of the height limitation for lots 1, 3-7, and 18;
5. An elimination of the Village Conservation Overlay District front yard requirement;
6. An elimination of the Village Conservation Overlay District height requirement;
7. An elimination of the Village Conservation Overlay District garage setback requirement; and
8. An elimination of the Village Conservation Overlay District lot size variation requirement.

As stated above, staff does not support a reduction in the garage setback as it does not comply with Plan policies. Furthermore, staff does not support the reduction in buffer widths unless open space is provided elsewhere onsite on an acre-to-acre basis.

RECOMMENDATIONS

Community Planning is unable to support the rezoning request at this time. Several outstanding issues still remain that need to be addressed to ensure the intent of the Plan is being met. The CDP should be revised to locate active recreation space within each land bay in a central location, adequate civic space to ensure the residents of the community will have a place to gather on site, interparcel access, relocate lots 21 and 22 to an area outside of the existing pond, and designate existing vegetation within the river and stream corridor resource as a Tree Conservation Area. Staff also recommends commitments be included regarding the number of picnic tables proposed within the picnic pavilion, seating within the existing gazebo, permeable trails within the river and stream corridor resource, energy efficient design and construction principles, prioritization of wetland mitigation, low impact design techniques, addressing unmet housing needs, and mitigate capital facility impacts.

ATTACHMENTS

Attachment 1: **Capital Facilities Impact Analysis**

cc: Julie Pastor, AICP, Planning Director
Cindy Keegan, AICP, Community Planning Program Manager via e-mail

Attachment 1- Capital Facilities Impact Analysis
ZMAP 2005-0019, Belmont Estates

TOTAL PROJECTED CAPITAL FACILITIES IMPACT

The total projected capital facilities impact of the proposed development is calculated using the approved capital intensity factors for the proposed unit mix. Revised Capital Intensity Factors (CIFs) were adopted by the Board of Supervisors on July 21, 2009.

<i>Housing Type</i>	<i>Total Number of Units</i>	<i>Capital Intensity Factors</i>	<i>Projected Capital Facilities Impact</i>
Single-Family Detached (SFD)	21	\$59,470	\$1,248,870
Single-Family Attached (SFA)	50	\$40,385	\$2,019,250
Multi-Family (MF)	0	\$23,758	\$0
TOTAL	71		\$3,268,120

71 Total Units \$3,268,120 Total Projected Capital Facilities Impact

ANTICIPATED CAPITAL FACILITIES CONTRIBUTION

The anticipated capital facilities contribution of the proposed development takes into account Affordable Dwelling Units (ADUs) and the number of units permitted by the base density. According to a resolution passed by the Board of Supervisors on February 15, 2005, the base density and base unit type of a type of property should be calculated using the current zoning of the property.

1. Number of Market Rate Units Subject to Capital Facilities Proffer Guidelines

<i>Housing Type</i>	<i>Total Number of Units</i>	<i>Number of Proposed ADUs</i>	<i>Number of Market Rate Units</i>
Single-Family Detached (SFD)	21	0	21
Single-Family Attached (SFA)	50	9	41
Multi-Family (MF)	0	0	0
TOTAL	71	9	62

2. Capital Facilities Calculations for Market Rate Units

<i>Housing Type</i>	<i>Total Number of Market Rate Units</i>	<i>Capital Intensity Factors</i>	<i>Capital Facilities Calculations for Market Rate Units</i>
Single-Family Detached (SFD)	21	\$59,470	\$1,248,870
Single-Family Attached (SFA)	41	\$40,385	\$1,655,785
Multi-Family (MF)	0	\$23,758	\$0
TOTAL	62		\$2,904,655

3. Capital Facility Credit for Base Density Units assuming Single Family Detached Dwellings

<i>Zoning District</i>	<i>Acres</i>	<i>Density Permitted By-right (du/acre)</i>	<i>Base Density Units</i>	<i>Capital Intensity Factor</i>	<i>Capital Facility Credit for Base Density Units</i>
R-1	20.59	1	19	\$59,470	\$1,129,930
0	0.00	0	0	\$59,470	\$0
0	0.00	0	0	\$59,470	\$0
TOTAL			19		\$1,129,930

4. Anticipated Capital Facilities Contribution

\$2,904,655 - \$1,129,930 = \$1,774,725

\$1,774,725 Anticipated Capital Facilities Contribution

COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
MEMORANDUM

DATE: August 13, 2009

TO: Jane McCarter, Planner, Department of Planning

FROM: Theresa M. Stein, Planner, Zoning Administration *TMS*

CASE NUMBER AND NAME: ZMAP 2005-0019, Belmont Estates, 4th submission

TAX/MAP PARCEL NUMBER: /62////////32/, /62////////30/, /62///1////1/, /62////////29D,
/62///1////2/, /62////////29/

MCPI: 085-45-6228, 085-45-2602, 085-45-2233, 116-40-8424,
116-30-9195, 116-40-7623

The fourth submission, revised June 19, 2009, was reviewed. The applicant did not respond to staff's 3rd submission comments individually, but rather, generalized all referral agents comments. In addition, the applicant did not take into account ZOAM 2006-0003 that altered the Village Conservation Overlay District regulations as previously requested. The current proposal reconfigures the single-family detached units in Landbay 1 increasing the number of new units to 22. Landbay 2 is largely the same layout for the SFA units, continuing to preserve one existing SFD on Graves Lane. Because of the proposed layout change and the lack of individual responses, staff has reviewed the plan as though it was a first submission. The following comments are generated by the recent proposal and reconfiguration:

- I. R-8 Single Family Residential (Section 3-500):
1. Section 3-509(C): The applicant seeks to reduce the 50' minimum permanent common open space buffer required between the proposal and an adjoining development that has a minimum lot size of 6,000 sf or greater. They request a reduction along the western boundary to 25' and a reduction to 10' along the northern and eastern boundary. The applicant has not requested a modification to the southern boundary; however, a portion of the buffer area is greatly reduced near the Deerview roundabout. The 50' buffer would extend to the intersection of the buffer required/requested along the eastern property line. Therefore, provide the buffer or request a modification for the southern boundary in the area of the roundabout. The request must be corrected for the northern boundary, as this particular ordinance section is applicable only where the development adjoins another development with a minimum lot size of 6,000 sf or greater. According to County records, the adjoining northern property is the same zoning district as the proposal which has no minimum required lot size. Therefore, a common open space buffer per 3-509 is not required along the northern boundary. Section 4-109(C) applies to the northern

boundary (see below). Section 3-509(C) also applies to the western and eastern boundary. The applicant seeks to reduce the common open space buffer along the eastern boundary from 50' to 10'. The proposed CDP does not show the buffer, nor does the Zoning Modification tabulation on sheet 3 of the CDP adequately identify the location of the requested modification. Staff does not support the reduction to 10' along the eastern boundary as the plantings required in a Category 2 Buffer Yard cannot be supported in such a narrow space. Finally, the applicant has coupled this modification with a request to modify Section 4-109(C), which does not have the same applicability. All modifications need to be listed separately.

2. Section 3-511(A): The applicant seeks a modification to allow private roads to serve the Landbay 2 townhouses as well as the existing SFD unit that will remain in Landbay 2. State the FSM private road category proposed and the proposed road widths. Revise the Zoning Modification #1 tabulation on sheet 3 as the conditions in Section 3-511(A)(1)-(3) must be met. A modification to 4-110(B) requires that 4-110(B)(1) through (3) be met. Again, state the modifications individually. Label the road serving Lots 3 through 11 as public and state whether the proposed road/ROW width will meet public standards. Note that in the event Stubble Road is not vacated, Lots 1 through 6 will have 2 front yards, eliminating or restricting the ability of those lots to have decks, or other accessory structures not otherwise permitted per Section 5-200. In addition, revise Proffer IX.A. to include covenants and disclosures on plats, promotional material, etc. per Sections 3-511(A)(1) through (3).

II. Planned Development-Housing (Section 4-100):

3. Section 4-109(A): Principal vehicular access points are required to be designed to encourage smooth traffic flow and streets are not to be connected with streets outside the district that encourage through traffic. The proposed principal access is through the Ridges of Ashburn neighborhood street and all units are accessed through a series of stubbed and cul-de-sac streets. There is no smooth traffic flow as all 73 units, in addition to any additional traffic from units to the west of the proposal, must enter and exit through a neighborhood street that was a cul-de-sac, but is now being reconfigured into a roundabout. Graves Lane and Stubble Road are proposed to be vacated and access cut further limiting smooth vehicular patterns. The proposal continues to have unwieldy and awkward access that does not meet this Ordinance requirement.
4. Section 4-109(C)(2): Where a residential proposal adjoins a single-family residential development, a permanent 50' open space buffer landscaped with a Category 2 Buffer Yard is required. This requirement applies to the northern boundary where the applicant seeks to reduce the 50' permanent open space buffer to 10'. The proposed width is not shown on sheet 3 of the proposal, and staff does not support a more than 50% width reduction as a Category 2 Buffer Yard cannot be supported in such a narrow width. A Category 1 landscaping buffer is required between the subject and the property to the north, which is a minimum 10' in width, supporting the need for a larger buffer width in order to adequately maintain the viability of a Category 2 planting schedule.
5. Section 4-109(E): The applicant seeks to eliminate the height limitations for lots 1, 3-7, and 18 asserting that the criteria for approving a modification is met because the proposed SFD units are innovative in that the units are: (1) oriented next to existing SFD, (2) provide alley loaded SFD units with detached garages, and (3) oriented closest to open space provided in an adjoining community. Staff does not agree that proposing SFD units

next to existing SFD unit development is innovative, but rather a logical and more commercially appealing arrangement. Further, there are no alleys and no detached garages proposed, and finally placing the proposed SFD units near the development's open space is not innovative, but a Plan requirement for open space to be centrally located and an Ordinance requirement for open space to be accessible to the residents it is intended to serve. As the open space is located near or in the floodplain, this is the likeliest location for open space. The applicant also asserts that the modification is required in order to create a more traditional neighborhood, or neo-traditional design; however, front loading, attached garages are not neo-traditional in design. Based on the applicant's justification, the lots subject to the modification would need to be eliminated because they encroach into the imaginary plane. However, lots do not need to be eliminated because they project into the inward leaning plane, but the building height needs to be adjusted. As requested with the third submission, staff asks that the applicant demonstrate graphically the impact of the requirement upon the lots for which the modification is requested in order to determine if the modification is actually necessary.

6. Section 4-110(B): Roads serving residential units (except townhouses), must be designed and constructed to VDOT standards. The applicant seeks to modify this section in order to allow the existing SFD unit to be served by a private street (see comment 2 above). State the private road category proposed and the road width for all streets and label the road serving lots 3 through 11 as public. Ensure that its width confirms to VDOT standards.
7. Section 4-110(C): Streets shall provide immediate, safe and convenient access and circulation for service and emergency vehicles. The proposed layout results in all streets being stubbed in Landbay 2, with insufficient area for emergency and service vehicles to exit or turn around. Emergency vehicles serving end units will be forced to back out in order to exist. The proposal does not meet the Ordinance requirement, therefore, revise the layout or otherwise provide adequate turn around area.
8. Section 4-110(E): Vehicular access from off-street parking shall be designed to promote safe traffic flow. However, the proposal has parking directly accessing traffic lanes in Landbay 2, so that cars must back up into travel lanes, creating unsafe traffic flow. Revise the layout of the on-street parking or create an off-street parking lot. In addition, parking spaces on the private road may not be counted toward the off-street parking requirement. In the Parking Provided tabulation on sheet 3, state the number that is on-street. Also, state if the TH units have a single or double garage.
9. Section 4-110(F): Pedestrian ways shall be provided to all units and facilities. Lots 69 through 72 have no sidewalks. Extend the sidewalk from Lots 62-68 past the stubbed street to the end of Lot 72. Also extend the sidewalk along the frontage of Lot 18 in Landbay 1.
10. Section 4-111(A): Thirty percent (30%) of the PD-H land area, excluding road right-of-way, shall be devoted to open space. On sheet 7, ensure that the net site area of 19.06 acres has only excluded public road right-of-way that is serving Landbay 1, and that private roads in Landbay 2 are not included in the net area as a private road has no right-of-way.

III. Village Conservation Overlay District (Section 4-2100):

11. Section 4-2104(A)(1): MCPI 085-45-6228 and 085-45-2602 are within the VCOD. The applicant seeks to modify the average front yard for Landbay 1 to allow the front yards

A-11

to be as shown on the CDP. The original comment remains outstanding as the plan does not provide a proposed front yard width. Provide the average front yard that is being proposed and what the yard would be if the requirement was being fulfilled. Staff does not believe this modification is needed in that the house to the south of the proposed development, averaged with the townhouse development to the north will require a setback that is arduous; even so, the extent of the requested modification is helpful in its evaluation. The applicant states that Stubble Road does provide the streetscape and that the modification is necessary for the proposal to embrace a neo-traditional design and incorporate the VCOD provisions. The applicant is seeking to modify four of the seven development standards in the VCOD, so it is doubtful that the proposal is incorporating VCOD provisions. In addition, the applicant has not correctly stated the provision of the Ordinance which includes ZOAM changes from three years ago. The Zoning Ordinance Requirements to be Modified must be corrected to read as the Ordinance does today, which was a prior comment that was not addressed.

12. Section 4-2104(A)(2): The applicant has requested to modify the building height to 40' regardless of adjacent building heights. As requested in the 3rd submission, the applicant must revise the language to match the Ordinance. Staff is unsure whether the modification is necessary since the applicant has not acknowledged the 2006 ZOAM change that permits the proposed buildings to be 50% taller than the highest building within 150 feet of either side of the proposal, not to exceed the maximum building height in the R-8 zoning district. Further, the applicant justifies the modification by stating that the development is neo-traditional in design and that it incorporates the VCOD provisions. While neither justification meets the Ordinance modification criteria of being innovative, improve upon the existing regulation, or exceed the public purpose, the applicant has not demonstrated that the proposed SFD are neo-traditional in design or that the landbay incorporates "many" of the VCOD provisions, especially in light of the fact that the applicant is proposing a very suburban design (front loading garages, cul-de-sac streets, etc.) and has requested to modify more than 1/2 of the VCOD development standards.
13. Section 4-2104(B)(1)(a): Development plans shall continue all stubbed or planned to be stubbed streets to the boundary of the development. The proposal does not meet this requirement. Stubble Road and Graves Lane are being vacated, and all the SFA units in Landbay 2 propose stubbed streets. The proposed development has one way in and one way out, limiting the connectivity and smooth flow of traffic for 73 dwellings, and using the Ridges of Ashburn neighborhood to the east as the only access point.
14. Section 4-2104(B)(2)(a): The applicant requests to modify the variation in lot size. The Ordinance requires that no more than 33% of all lots shall be within 500 sf of each other. The applicant seeks to eliminate this requirement so that all of the new SFD lots have similar lot sizes and dimensions. The justification is that the applicant is preserving nearly 50% of the site area as open space and is incorporating the guidelines of the VCOD. The Ordinance allows modifications to requirements if they are innovative, improve upon the regulation, or exceed the public purpose, therefore, the applicant has not demonstrated that the requested modification meets the criteria. In addition, a large portion of the open space is minor floodplain or wetlands, which has limited development potential. The applicant is attempting to take "credit" (something above the norm) for meeting an Ordinance requirement. Further, the applicant requests

A-12

to modify the majority of the VCOD development standards so that it is not evident that the applicant is incorporating the guidelines.

15. Section 4-2104(B)(5): The applicant seeks to eliminate the requirement that front loaded garages be setback 20' behind the front line of all principal buildings. The justification does not meet the criteria in 6-1504 (see above comment). A garage being a prominent feature of a SFD is not neo-traditional in design, nor is it echoing the development pattern of a traditional village.

IV. Affordable Dwelling Unit R-8 (Section 7-800):

16. Section 7-803(C)(2)(c): The rear yard requirement is 15-feet, however, sheet 3 lists it as 16' in the Landbay 2 yard tabulation. Correct the minimum yard requirement.
17. Section 7-803(E): Active recreation space shall be accessible to all residents by an internal walkway. The existing SFD does not have a trail to either of the designated active recreation spaces. It is connected to the recreation spaces only via its frontage on Graves Lane. Staff recommends installing a trail from Graves Lane to the west of the existing SFD south toward the trail proposed at the first stubbed TH street. In addition, sheet 8 (and 3, 5, 6, 7) states that a total of 1.34 acres of active recreation space will be provided. Active recreation space is defined as "flat, open, well-drained usable space configured in squares or greens. Active recreation space may include facilities such as ballfields, tennis courts...tot-lots". Active recreation space may also include picnicking, boating, fishing. The applicant is proposing to place the majority of active recreation space within the floodplain, which is not "well-drained" and the usability greatly hampered. The recreation spaces within the floodplain or wetland areas may count toward open space, but may not be counted toward the required active recreation. Revise the active recreation space to only include those areas that meet the Ordinance definition. If the applicant proposes to use existing ponds for boating or fishing, which would count as active recreation space, highlight its location on the CDP and provide a proffer that protects and enhances those ponds for recreational uses.
18. Section 7-803(F)(2): All units are required to have public road frontage unless otherwise approved. Landbay 1 now is proposing to have all public streets (label the road serving lots 2-11 as public), but the applicant stated in a prior submission that they wish to modify this section, and must do so in order to have private roads in Landbay 2 serving the existing SFD and all the SFA. As stated in prior referrals, add this modification to the list on sheet 3, as well as Zoning Ordinance Modification document, and provide a justification.

V. Other/Plat:

19. Add to General Note 18 that the street trees are being provided per Section 4-2104(B)(4).
20. Delete General Note 19 on sheet 1 as it is duplicative.
21. Revise the property lines on sheet 2 and 4 to correspond with those approved with BLAD 2008-0098 and revise the acreage, MCPI, tax map/parcel as needed. MCPI 116-30-9195 is now a .92 acre parcel and 085-45-2233 is a 10.49 acre parcel. Label the 2 parcels that are within the VCOD.

22. As commented before, Section 1-205 requires all structures must have frontage on a street or private access easement. Units in Landbay 2, and especially Lots 69 through 72, appear to have lots with no frontage. Access is over an intervening parcel, presumably common space. Lot lines must extend to the street without an intervening parcel, otherwise, the lots will not have frontage as required by the Ordinance.
23. List all the modifications requested individually on the Zoning Modification tabulation on sheet 3. Modifications are grouped, but the requirements are not duplicative. Further, by listing modifications in groups, the applicant is not adequately portraying the number of modifications being requested.
24. In Landbay 2, the units are labeled as being front loaded garages. The rear lot lines of the TH units do not abut one another, as there appears to be a strip of land running between the groupings. Describe and/or label the purpose of this area.
25. Graves Lane is shown to be partially vacated. Highlight the portion that will be vacated and state if the existing roadway width will remain.
26. Lots 21 and 22 are proposed in existing wetlands. Provide evidence that the Corps of Engineers has approved the location of lots/houses within the wetland area. Staff defers to ERT for additional comment on the location of houses in a wetland.
27. Sheet 3 shows an emergency access to Stubble Road from the Deerview roundabout. Provide details of the emergency access in the proffers and how this will be achieved through a buffer area connecting to a cul-de-sac.
28. State the number of existing off-street parking spaces related to the existing SFD unit in the Parking Tabulation.
29. Note 2 on sheet 3 states that specimen trees will be saved, if possible. Provide in the Proffer Statement and the plat the criteria and rules under which specimen trees will be removed and what devices or methods will be used to protect those trees.
30. On sheets 3, 6, 7, and 8 of the plat, state the width of the trail instead of giving a range of 6 or 8 feet. Also provide information on the boardwalk that connects the two landbays that is located in the floodplain.
31. Revise the acreage used to calculate the total open space provided in the PD-H Open Space Provided tabulation on sheet 7. The calculation shows the gross acreage of 20.59 being used when, in fact, based upon the percentage, the net area of 19.06 is actually used. Confirm that the deduction from the gross acreage is only public road right-of-way and that none of the private streets are being deducted from the net area.
32. The Revised General Plan Residential Open Space Tabulation on sheet 7 states that there may be multi-purpose courts per the proffers, however, the Proffer Statement commits to no specific recreation. In order to meet the minimum required active recreation space, state the specific items that will be provided and their location to fulfill active recreation space, such as the multi-purpose court so that it can be verified that the uses meet the definition.
33. On sheet 9 provide a map that clearly shows the location of the 4 tree stand areas and the location of the specimen trees. Determine if any of the specimen trees will be preserved and provide for their protection in the Proffers, as well as indicate on the plat that they will remain.

VI. Proffer Statement dated June 19, 2009:

34. In the second paragraph, state the zoning district under which the development will be administered.

A-14

35. Add to Paragraph I that sheet 7 and 8 are part of the CDP as they provide details about the provision of open and active recreation space. Also revise the number of ADU's being provided in the proffer or on the CDP as the numbers differ.
36. In Paragraph II, revise the maximum number of residential units to 74 to include the existing SFD. Also describe the "privately-owned community facilities" and provide the minimum square footage of each of the active recreation areas keeping in mind the prior comment about active recreation being in well drained, useable areas. Providing a phasing timeline of when and how much recreation space will be provided as related to the phasing of units. Provide a timeline of when the existing wells and drainfields will be abandoned.
37. As requested in prior referrals, revise Paragraph III to list the modifications individually, and to correspond to information requested herein.
38. As requested previously, in Paragraph IV, it states that construction will take place in conjunction with development of adjacent residential and streets and infrastructure. The open space and recreational areas are central to the development, so it is unclear whether the development of recreation space will be due when Landbay 1 or 2 begins development. Clarify the timing of the provision of the recreation space, provide the minimum that will be provided in each area, provide more specifics on what will be provided in each area, and keep in mind the prior comment about active recreation being in well drained areas. Also, provide a definition of "necessary infrastructure".
39. A traffic signal warrant analysis will be done at the 35th zoning permit, but not constructed until the 65th zoning permit. If a study indicates that a signal is warranted at the 35th zoning permit, its installation should not be delayed until the 65th house is build. Revise the timing in Paragraph VII.C.
40. As requested with the previous referral, Paragraph VIII.A.2 references a minimum area of canopy to be preserved in the Tree Conservation Area, however, no measurement of canopy is provided; therefore, it is difficult to determine if 80% of said canopy has been preserved. Provide an existing amount that will allow for measurement. The proffer allows for replacement of lost canopy within the 80%, but does not provide a standard for replacement. Also, instead of the County, the County's Urban Forester should be consulted.
41. Revise Paragraph VIII.A.3, so that the Owner's certified arborist, in consultation with the County's Urban Forester, determines if a tree is damaged in the Tree Conservation Area.
42. Label the area referenced in Paragraph VIII.B. so that it is clear which area will be outside of the limits of clearing and grading.
43. In Paragraph X, include SFD units in the garage space conversion restriction. If SFD garages are converted to living space, Landbay 1 could potentially fall below the minimum required parking. Plats or other documents that illustrate the development should note the prohibition on garage conversion so that homeowners are put on notice of the restriction.
44. The Statement should address the vacation of Graves Lane and Stubble Road and its timing, as well as the repercussions if the vacation does not take place. Further, to implement this development plan, the road vacations will need to precede the Landbay development.

County of Loudoun
Office of Transportation Services
MEMORANDUM

DATE: September 17, 2009

TO: Jane McCarter, Planner, Department of Planning

FROM: Shaheer Assad, Senior Transportation Engineer/Planner

SUBJECT: ZMAP 2005-0019 Belmont Estates
Third Referral (Fourth Submission)

Background

The applicant, Belmont Land, LC has revised the rezoning application for Belmont Estates from CR-1, CR-2 and R-1 to PD-H4 to be administered as R-8 Zoning District to provide for 73 single family detached and single family attached homes. The property is located on the southwest quadrant of the intersection of Stubble Road and Graves Lane. The proposed access to the site will be from Deerview Drive and Graves Lane. The property has been approved by the County for 20 single family detached houses under a by-right plan SBPL 2007-0001 pursuant to the construction plan CPAP 2008-0072. As part of the proposed rezoning, the applicant has submitted various modifications related to transportation improvements such as changing internal public roads to private roads, creating a cul-de-sac at the entrance to the site and Stubble Road. These modifications are included in the materials received from Department of Planning on July 9, 2009 including (1) a draft proffer statement revised June 19, 2009; (2) a letter responding to some comments dated June 19, 2009; (3) a statement of justification, revised June 19, 2009; (4) a rezoning plan set prepared by Urban, Ltd. dated June, 17, 2009.

The following is a summary of the current status of the issues identified by the comments in the Office of Transportation Services first, and second referrals on this application, dated November 21, 2005 and May 9th, 2006, and new comments that are addressed in the current (fourth) submission.

Comment 1: (1st referral, Nov. 21, 2005). The applicant should secure the ultimate right-of-way and construct Graves Lane as a two-lane public roadway at the frontage of the property site. Graves Lane should provide access to the adjacent parcels at the west side of the site. What is the status of the ultimate plan for Graves Lane? Is there any parcel connection between the site and the parcels that have frontage on Claiborne Parkway.

ZMAP 2005-0019 Belmont Estates

Office of Transportation Services

September 17, 2009- Third Referral

Applicant Response: (February 15, 2006). Securing the right-of-way necessary to make Graves Lane a public road is not feasible given the fact that the right-of-way necessary would be a mere six feet from the front of the home located on proposed lot 81. Secondly, Applicant does not see the necessity of dedicating Graves Lane as a public road given the fact that it is currently serving as a private road for the existing residents on Graves Lane and will continue to function as such after development of this project. Upon approval of this application, Applicant will improve Graves Lane to the subdivision street standards for private streets.

There is no public parcel connection between the subject Property and the parcels that are located immediately to the north across Graves Lane (Land Bay M of The Greens at Belmont Country Club). Homeland Terrace, a private street within The Greens at Belmont Country Club, is noted on the approved record plat (SBRD 2003-0052) as a 40' wide private access and utility easement terminating approximately 50' from common property line with the Belmont Estates property. Applicant will work with the developer and/or HOA of The Greens at Belmont Country Club to coordinate emergency access at this location.

Issue Status: (2nd Referral, May 9, 2006). Not resolved.

Applicant Response: (September 8, 2006 Letter). The applicant provided the same response as dated Feb. 15, 2006 above.

Applicant Update: (Item #12 in Applicant's June 19, 2009 letter). As discussed, the construction of Graves Lane to a public road standard along the frontage of the existing (and to-be- retained) home would result in the road section being only a few steps from the front door of such home. We respectfully submit that making Graves Lane a private road in front of this home would be more appropriate.

Current Issue Status: OTS is in agreement with the applicant to construct Graves Lane as a private roadway; however, the applicant should acknowledge the responsibility to maintain the road. The applicant should add the sidewalk to the typical section on Sheet 9. Subject to the resolution of the above concerns, this issue is resolved.

Comment 2: (1st referral, Nov. 21, 2005). The applicant should extend Deerview Drive to Stubble Road. The construction of Deerview Drive should be designed and constructed to meet all the public road requirements that are acceptable to VDOT. If this extension is planned to be built by others then the applicant should coordinate with them to make sure that the connection is in place prior to the construction of the building units on the site.

Applicant Response: (February 15, 2006). The proffered dedication of the right-of-way for the extension of Deerview Drive to Stubble Road took place as part of SBRD 1996-0023. However, the contribution of 100% of the necessary construction costs for such road section has not yet taken place. Applicant envisions constructing this regional transportation improvement in connection with its development so as to serve the future residents of Belmont Estates.

Issue Status: (2nd Referral, May 9, 2006). Not Resolved.

Applicant Response: (September 8, 2006 Letter). The applicant provided the same response as dated Feb. 15, 2006 above.

Applicant Update: (Item #16 and Item # 13 in Applicant's June 19, 2009 letter). In connection with the by-right plan for the Property, the applicant has already begun construction on this road section and would anticipate completing such section prior to the initiation of development at this property. Additionally, the applicant has revised the public road roundabout design of less than 100' minimum interior radius standard.

Current Issue Status: Not resolved. The applicant wishes to create two cul-de-sacs back-to-back on Stubble Road with an emergency access connecting the two cul-de-sacs. The cul-de-sac at the site entrance will result in Belmont Estates residents having only one access to/from the site via Deerview Drive, and eliminating access through Stubble Road south of the site. OTS does not support the two cul-de-sacs arrangement and would like the applicant to pursue the connection of Stubble Road and Deerview Drive as previously recommended in the Traffic Study that was prepared for Loudoun County done by Patton Harris Rust & Associates, dated July 28, 2004, and as presented/analyzed in the applicant's traffic study, dated June 15, 2005 (also prepared by PHR & A). This connection will provide access to all local properties and ensure proper functionality for the road network in the vicinity of the site. As indicated in the 2004 traffic study, the connection of Deerview Drive to Stubble Road will reduce the delay at the intersections adjacent to the site such as Ashburn Road/Gloucester Parkway. The purpose of providing the connection of Stubble Road and Deerview Drive is to provide a good traffic distribution and better circulation in the area. The construction of Deerview Drive should be designed and constructed to meet all the public road requirements that are acceptable to VDOT. The alternative of having two cul-de-sacs back-to-back is not consistent with Revised General Plan Policy regarding connectivity. Under Residential Neighborhoods Policies # 4, (c) states that "Residential neighborhoods will exhibit the following design characteristics desired by the County: A predominantly interconnected street pattern with inter-parcel connection". Also, it is contrary to the new (2009) VDOT Secondary Street Acceptance Requirement (SSAR) which require connectivity.

Comment 3: (1st referral, Nov. 21, 2005). The applicant should construct the unpaved portion of Stubble Road from Deerview Drive south to the edge of pavement.

Applicant Response: (February 15, 2006). Applicant is amenable to paving in place the unpaved portion of Stubble Road from Deerview south to the edge of pavement. Notwithstanding the foregoing, Applicant will not widen the road or acquire any right-of-way necessary to improve Stubble Road to private or public road standards.

Issue Status: (2nd Referral, May 9, 2006). Not resolved.

Applicant Response: (September 8, 2006 Letter). The applicant provided the same response as dated Feb. 15, 2006 above.

Applicant Update: (Item #15 in Applicant's June 19, 2009 letter). Stubble Road cul-de-sac north of the property needs to be provided. Applicant is proposing to terminate existing Stubble Road with a cul-de-sac immediately south of the property and to provide its public road connection to Deerview Drive only. An emergency access point will be provided connecting Stubble Road with the Deerview Drive public road connection into the community. Because Stubble Road will not continue north of Deerview, no cul-de-sac north of the property is needed.

Current Issue Status: OTS concurs that no cul-de-sac north of the property is needed since Stubble Road north of the site entrance will be abandoned. However, abandonment needs to occur prior to approval of this application. OTS believes that Stubble Road south of the site entrance should function as a public, local, paved road, serving the adjacent parcels and providing an additional option of access for local residents to go south to Ashburn Road or to go north to Gloucester Parkway via Deerview Drive. See connectivity policy in the Revised General Plan and VDOT SSAR under the current issue status-comment 2.

Comment 4: (1st referral, Nov. 21, 2005). The applicant should contribute \$5,000 per residential unit to Regional Transportation Improvements within the area of the subject site.

Applicant Response: (February 15, 2006). As many of the regional transportation improvements in the vicinity of the Property have been completed and the transportation impacts of this project are de minimus at most, Applicant will contribute \$3,500 for Regional Transportation Improvements.

Issue Status: (2nd Referral, May 9, 2006). Not Resolved.

Applicant Response: (September 8, 2006 Letter). The applicant provided the same response as dated Feb. 15, 2006 above.

Applicant Update: (From June 19, 2009, Draft Proffer Statement). As stated in the Draft Proffers, under transportation VII, B, the applicant agrees to contribute \$4,500.00 per unit to the County to be used for regional transportation improvements.

Current Issue Status: Not resolved. The applicant's contribution is less than what OTS has requested. The applicant should contribute \$5,000 per unit consistent with other applications in the area.

Comment 5: (1st referral, Nov. 21, 2005). A public transportation contribution of \$500 per unit is recommended.

Applicant Response: (February 15, 2006). Acknowledged.

Applicant Response: (September 8, 2006 Letter). The applicant provided the same response as dated Feb. 15, 2006 above.

Current Issue Status: The applicant should contribute \$575 per residential unit consistent with other recent applications.

Comment 6: (1st referral, Nov. 21, 2005). The rezoning plat shows that Stubble Road north of the Deer View Drive will be vacated. What is the status of the Stubble Road that connected Gloucester Parkway with Graves Lane? Since the development plan exceeds the number of the 80 units, and the applicant needs 2 access to this site in order to be comply with the FSM. Will the connection of Stubble Road between Gloucester Parkway and Graves Lane stay and used as an emergency access to the site or it will be vacated too?

Applicant Response: (February 15, 2006). The existing right-of-way across the subject property will be vacated. It is Applicant's understanding that the portion of Stubble Road north of Graves Lane (along the western boundary of The Greens at Belmont Country Club) still remains a public right-of-way without connection to Claiborne Parkway. As mentioned above, Applicant will work with the developer and/or HOA for The Greens at Belmont Country Club with regard to emergency access at Homeland Terrace.

ZMAP 2005-0019 Belmont Estates

Office of Transportation Services

September 17, 2009- Third Referral

Issue Status: (2nd Referral, May 9, 2006). The Preliminary Plat does not show this access.

Applicant Response: (September 8, 2006 Letter). The applicant provided the same response as dated Feb. 15, 2006 above.

Current Issue Status: The applicant reduced the number of units from 80 units to 73 units. Therefore, one access point will be sufficient for this site. Regarding the vacation of Stubble Road, please see the current issue status under comment 3.

New Comment

Comment 7: The applicant should indicate why the second inter-parcel access to parcel 116-40-4707 (depicted on earlier versions of the plat) has been removed. The CTP calls for such connections. (see CTP policy 4, page 3-15.)

Conclusion

OTS does not recommend approval of this application as currently proposed. OTS staff is available to meet with the applicant to discuss the issues identified in this referral.

CC: Andrew Beacher, Assistant Director, OTS

CC: Lou Mosurak, Senior Coordinator, OTS

CC: John Bassett, Transportation Engineer, VDOT



COMMONWEALTH of VIRGINIA

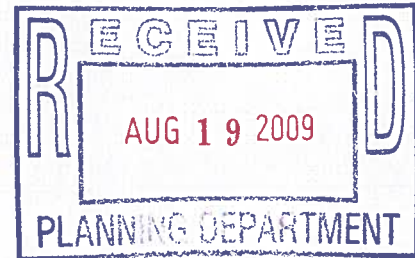
DAVID S. EKERN, P.E.
COMMISSIONER

DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

August 10, 2009

Ms. Jane McCarter
County of Loudoun
Department of Planning
1 Harrison Street, S.E.
P.O. Box 7000
Leesburg, Virginia 20177-7000



Re: Belmont Estates
(4th Submission - Revised)
Loudoun County Application Number ZMAP 2005-0019

Dear Ms. McCarter:

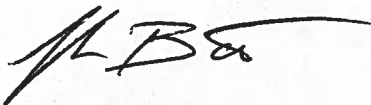
We have reviewed the above application (revised through 6-17-09) as requested in your July 10, 2009 transmittal. We offer the following comments:

1. We understand that there has been citizen input against the connection of Deerview Drive to Stubble Road. However, dispersion of traffic and alternatives routes are sound planning principles and we continue to strongly recommend that this connection be made. The elimination of this through connection also leads to not only circuitous routing but also to a somewhat awkward street configuration. However, we will defer to Loudoun County's judgment in this matter.
2. If the connection cited in comment # 1 is not made, will the portion of Stubble Road north of Deerview Drive require a standard cul-de-sac terminus?
3. The vacation/abandonment of portions of Stubble Road, Route 647 will need to be completed prior to/in concert with the development of this site.
4. Please dimension the centerline radii of the public roads and ensure that they meet the requirements as specified in VDOT's 2005 *Subdivision Street Requirements*.
5. Please clearly label the projected ADT of each public road on the plan.

6. How do corner Lots 2 and 12 gain access? These lots should gain access via the road with lesser traffic volume.
7. How does Lot 1 gain access? Its citing may make access awkward and/or unsafe. We recommend this lot gain access via an ingress/egress easement to the minor cul-de-sac.
8. Sheet 9 of 9 Typical Sections (Public Roads): The minimum width of the utility strip (or buffer strip) is 3' measured from the sidewalk to the *back* of the curb. Adjust typical sections to comply.
9. Draft proffer VII.C dated June 19, 2009: Please incorporate language to the effect that "...If such traffic signal is warranted, *as determined by VDOT*..."
10. The roundabouts appear to be more correctly classified as cul-de-sac with islands. If they are incorporated then they are to comply with VDOT's *2005 Road Design Manual Appendix B Subdivision Street Design Guide* Section B - 4 -F. b and Table 3.
11. Pursuant to provisions of the *VDOT Secondary Street Acceptance Requirements* (SSAR) Section 24 VAC 30-92-20.B.6 "Grandfathering", the County should advise VDOT whether they desire this application to be reviewed under the SSAR or under the *2005 Subdivision Street Requirements*

If you have any questions, please call me at (703) 383-2061.

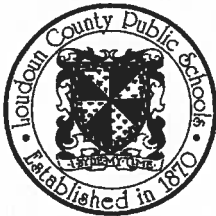
Sincerely,



John Bassett, P.E.
Transportation Engineer

cc: Imad Salous, P. E.

A-22

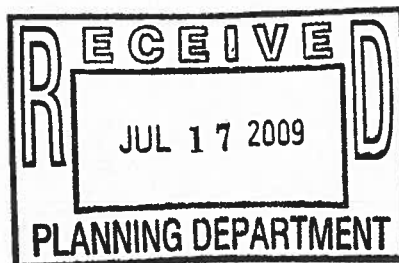


LOUDOUN COUNTY PUBLIC SCHOOLS
PLANNING AND LEGISLATIVE SERVICES

21000 Education Court
Ashburn, Virginia 20148
Telephone: 571-252-1050
Facsimile: 571-252-1101

July 14, 2009

Ms. Jane McCarter
County of Loudoun
Department of Planning
1 Harrison Street, SE
Leesburg, Virginia 20175



RE: ZMAP 2005-0019/Belmont Estates (4th Submission)

Dear Jane:

School Board staff has reviewed the fourth referral submission for the Belmont Estates zoning map amendment. An updated project assessment chart, based on 2008 Virginia-County of Loudoun School Census data, is attached and provides the operational and capital expenses associated with the revised Belmont Estates application.

The applicant's commitment to constructing sidewalks and a pedestrian trail connecting the residential areas of Belmont Estates is noted and appreciated.

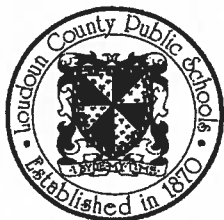
Should you require additional information, as a follow up to the above comments or my letters dated March 1, 2006 and July 21, 2005, please contact me at your earliest convenience.

Sincerely,

Sam Adamo, Director

Attachment

c: Edgar B. Hatrick, Division Superintendent
Loudoun County School Board
(Site Location: Broad Run Election District)



Loudoun County Public Schools

Department of Planning and Legislative Services

Project Assessment

Project Name: ZMAP 2005-0019/Belmont Estates (4th Submission)

2008 Virginia-County of Loudoun School Census Student Generation Factors

		Housing Units	Elementary School Student Generation	Middle School Student Generation	High School Student Generation	Student Generation Total
Single Family Detached (SFD)	0.87	23	10	4	5	19
Single Family Attached (SFA)	0.51	50	13	6	7	26
Multifamily (MF)	0.26	0	0	0	0	0
Total Students		73	23	10	12	45

Capital Costs

	Elementary School Cost (FY 2010 CIP)	Middle School Cost (FY 2010 CIP)	High School Cost (FY 2010 CIP)	Total Capital Expenditure
School Cost	\$27,560,000	\$50,130,000	\$99,110,000	
Capacity	875	1,350	1,800	
Per Pupil Cost	\$31,497	\$37,133	\$55,061	
Project's Capital Costs	\$724,434	\$371,333	\$660,733	\$1,756,500

Annual Operational Costs

FY 2009 Estimated Per Pupil Cost	Student Generation Total	Annual Operational Costs
\$12,780	45	\$575,118

School Facility Information

	Elementary School (Grades K-5)	Middle School (Grades 6-8)	High School (Grades 9-12)
2009-10 School Attendance Zone	Cedar Lane	Farmwell Station	Broad Run
September 30, 2008 Student Enrollment	718	1134	1487
2008-09 Building Program Capacity	767	1206*	1654*

* Trailers are being used to provide temporary increases in building program capacity.

DEPARTMENT OF BUILDING AND DEVELOPMENT

COUNTY OF LOUDOUN

MEMORANDUM

DATE: August 12, 2009

TO: Jane McCarter, Planning Project Manager

FROM: William Marsh, Environmental Review Team Leader 

CC: Marie Genovese, Community Planner
Theresa Stein, Zoning Administration
Dana Malone, County Urban Forester

SUBJECT: ZMAP-2005-0009 Belmont Estates

The Environmental Review Team (ERT) reviewed this application on August 10, 2009, and visited the site on August 5, 2009. Our comments pertaining to the current application is as follows:

Recommendations

1. Staff recommends clarification of jurisdictional wetlands and waters of the US and of minor floodplain on site:
 - Approved SBPL-2008-0023 specifies two jurisdictional determinations that indicate that the two western ponds are non-jurisdictional. The rezoning application depicts these ponds as jurisdictional features. Staff will contact the US Army Corps of Engineers to confirm actual wetland delineations on site.
 - Approved FPAL-2002-0016 partly revised the minor floodplain draining north-to-south through the project area. For clarity, staff recommends that the applicant complete a floodplain study that updates the minor floodplain throughout the project area, prior to approval of the first subdivision or construction plan and profile application.
2. This application proposes higher density with the rezoning application, increasing energy and potable water requirements for these properties when compared to the approved by-right subdivision application. A zoning modification is also proposed to allow a higher unit density despite the project area falling below 25 acres. To meet this modification, staff recommends that the application improve upon existing regulations by applying for a green building certification like Passive House, National Association of Home Building standards, EarthCraft Virginia, or Leadership in Energy and Environmental Design for all proposed homes. This recommendation also

supports Guiding Principle Policy 12 of CPAM-2007-0001: "The county encourages development that utilizes energy efficient design and construction principles, promotes high performance and sustainable buildings, and minimizes construction waste and other negative environmental impacts." At a minimum, staff recommends a commitment to Energy Star certification for all homes; construction waste management that diverts at least 50 percent (by weight) of construction, demolition, and landclearing (CDL) waste from landfills; installation of Energy Star and Water Sense appliances and/or fixtures in all homes; and an education program about these features for homeowners that includes an owner's manual and new resident orientation.

3. Proposed proffer language and concept development plans do not indicate preservation of water features in their current states, including three existing ponds. As indicated during a recent field visit, the existing ponds are valuable components of green infrastructure and also are shown as jurisdictional waters of the United States. Staff recommends a best management practice approach that treats stormwater quality uphill of existing ponds, releasing stormwater into the existing ponds at rates and volumes that will not endanger existing pond embankments.
4. Some proposed lots near the northeastern corner of the project are located downstream from an existing, offsite stormwater management pond. No proposed lots should be located in areas that are prone to flooding from existing pond runoff. Consequently, staff recommends that a stormwater easement be depicted on future construction plan and profiles and record plats for this development that encompasses the 100-year runoff from the existing pond as the runoff conveys through this site to the minor floodplain. This recommendation is consistent with general design criteria in Section 5.220.A.3 of the Facilities Standards Manual.
5. Staff recommends that that a commitment be provided to mitigate stream and wetland impacts associated with the project as follows: 1) onsite, 2) within the same 8-digit hydrologic unit code (HUC) within the same Loudoun County Planning Policy Area, 3) within the same 8-digit HUC outside the Loudoun County Planning Policy Area, and 4) Loudoun County, subject to approval by the U.S. Army Corps of Engineers (Corps) and the Virginia Department of Environmental Quality (DEQ).

Locating mitigation in close proximity to the proposed impacts is imperative to minimizing the effects of the proposed project on water quality and wildlife habitat, matters for consideration outlined in Section 6-1211.E.9 of the Revised 1993 Loudoun County Zoning Ordinance. Furthermore, this approach is consistent with Policy 23 on Page 5-11 of the RGP, which states that "the County will support the federal goal of no net loss to wetlands in the County," and the County's overall strategy to protect its existing green infrastructure elements and to recapture elements where possible (RGP, Page 6-8, Green Infrastructure Text).

6. Staff recommends relocation of both active recreation areas to the forested area in the northeastern corner of the project area, with associated preservation of hardwood trees in the recreation area. The current location includes minor floodplain and river and stream corridor buffer areas that become inundated. Because the Zoning Ordinance defines "recreation space, active" as "flat, open, well-drained usable space," the current location is inconsistent with the ZO. Relocating the open space as recommended would provide a well shaded playground area.
7. As previously requested, staff recommends providing a typical section for all proposed trails identifying the proposed surface material. Staff recommends that a commitment be provided to employ raised, boardwalk-style trail crossings in areas where the trail crosses jurisdictional waters and wetlands.
8. As previously requested, staff recommends that the Red Cedar Fence Rows identified in the Tree Stand Evaluation adjacent to the W&OD Trail be added to the designated Tree Conservation Areas on the Concept Development Plan (Sheet 3). Current draft proffer VIII.B commits to "commercially reasonable steps not to disturb this area." This commitment has the potential to be difficult to verify and enforce. Staff further recommends that the applicant relocate the trail closer to the proposed lots and commit to enhancing the Type II Buffer in this area by planting additional Cedar trees at a rate of 8 trees/100 feet to improve the buffer between the W&OD Trail and the proposed development. Staff notes that the enhanced buffer commitment should recognize the need for proper site preparation to alleviate compaction in the vicinity of the existing track prior to planting.
9. As previously noted, the applicant has acknowledged staff's request for digital wetland and cultural resources data, but has not indicated whether or not the requested data will be submitted to the County. Staff notes that the requested information is currently available and requests a commitment indicating when the requested digital data will be submitted.

Staff would appreciate the opportunity to meet with the applicant and the engineer to engage in additional discussion regarding these issues. Please contact me if you need any additional information as you complete your review.

A-27



LOUDOUN COUNTY, VIRGINIA
Department of Fire, Rescue and Emergency Management

803 Sycolin Road, Suite 104 Leesburg, VA 20175
Phone 703-777-0333 Fax 703-771-5359



Memorandum

To: Jane McCarter, Project Manager
From: Maria Figueroa Taylor, Fire-Rescue Planner
Date: August 11, 2009
Subject: Belmont Estates, Fourth Submission
ZMAP 2009-0019

Thank you for the opportunity to review the fourth submission of the above captioned application. The Fire and Rescue Staff has no comments.

If you have any questions or need additional information, please contact me at 703-777-0333.

c: Project file



Loudoun County Department of Fire-Rescue

16600 Courage Court
Leesburg, Virginia 20175
(703) 777-0333

Memo

To: Jane McCarter, Project Manager
From: Maria Figueroa, Fire-Rescue Planner
Date: September 14, 2005
Re: Belmont Estates
ZMAP 2005-0019

Thank you for the opportunity to review the above captioned application to rezone approximately 20.59 acres from CR-1, CR-2 and R-1 to PD-H4. The Fire and Rescue Planning Staff, in agreement with the Fire Marshal's Office, has no objections to the application as presented.

The GIS and Mapping coordinator offered the following information regarding estimated response times:

PIN	Project name	Ashburn VFRC Station 6 Miles	Ashburn VFRC Station 6 Travel Time
085-45-6228	Belmont Estates	.40	48 seconds

The Travel Times for each project were calculated using ArcView and the Network Analyst extension to calculate the distance in miles. This distance was then doubled to provide an approximate travel time for a Fire or EMS unit to reach each project site. To get the total response time another two minutes were added to account for dispatching and turnout. This assumes that the station is staffed at the time of the call. If the station is unoccupied, another one to three minutes should be added.

Project name	Approximate Response Time for Ashburn VFRC Station 6
Belmont Estates	2 minutes 48 seconds

We did not receive comments from the first due fire and rescue company; however, we recommend the applicant would consider a contribution to the fire and rescue company in accordance with current criteria. If you have any questions or need additional information, please contact me at 703-777-0333.

C: Howard Dawley Danielle Gotthardt Dave Ayers Project file

A-29



**COUNTY OF LOUDOUN
DEPARTMENT OF SOCIAL SERVICES**



MEMORANDUM

TO: Jane McCarter, Project Manager
FROM: Christene Vogel, Housing Specialist
THRU: Ronald Eamich, Assistant Director
DATE: August 4, 2005
RE: ZMAP 2005-0019 Belmont Estates

The subject rezoning application submittal has been reviewed in this office relative to DSS' items of concern. On this approximately 20.59-acre tract located in the southwest quadrant of the intersection of Stubble Road and Graves Lane, the total number of units being proposed is eighty-one (81). The total number of required ADUs in accordance with Section 7-103 (A)(B) of the Loudoun County Zoning Ordinance for this project as proposed calculates to Eleven (11) [81 SFD/SFA X .1250 = 10.125 = 11].

These eleven (11) ADUs must be marked as ADUs on the record plat. In accordance with Ordinance requirements we ask that they be properly interspersed. Based on correspondence regarding Section 7-104 (C) of the 1993 Loudoun County Zoning Ordinance and the interspersion of ADU units by the Zoning Administrator and the Affordable Dwelling Unit Advisory Board (ADUAB), it has been determined that no ADU should be immediately adjacent to or across from another ADU. No more than 3 ADU units should be located in a row of six or more townhouses. No more than 2 units should be located in a row of three to five townhouses. In order to achieve ordinance compliance, the required ADUs should be offered, appropriately located, and marked if the applicant desires to build the eighty-one (81) units as proposed. The record plat should also clearly provide ADU information in table form.

No other concerns are noted for this submittal.

If you have questions concerning this matter please contact this office at Ext. 5916

A-30

March 17, 2006

Jane McCarter
Project Manager
Loudoun County
Department of Planning
1 Harrison Street, SE, 3rd Floor
Leesburg, VA 20177-7000

RE: Belmont Estates; ZMAP 2005-0019 – Second Submission

Dear Ms. McCarter:

We have reviewed the second submission application materials referenced above (plans revised through February 15, 2006) and offer the following comments.

The Park Authority's comments have been addressed with the second submission. However, regarding item no. 20 in the applicant's response letter, the 25-foot building setback must be from the W&OD park boundary instead of from the W&OD paved trail (sheet 3). Nevertheless, the Park Authority strongly supports the 50-foot wide open space parcel that is shown along the common boundary. The 50-foot wide open space/buffer along the W&OD is warranted given the rezoning request and its impacts to this regional resource.

Attached is the Park Authority's certificate for the project sponsor's certified land surveyor to confirm the location and monumentation of the shared boundary.

Thank you for the opportunity to comment. Please contact me at 703-359-4628 or at dighhaut@nvrpa.org if you have any questions or concerns.

Sincerely,

Daniel Iglhaut
Land Manager

c: Chris Pauley, Manager, W&OD Railroad Regional Park

enclosure

A-31

August 1, 2005

Jane McCarter
Project Manager
Loudoun County
Department of Planning
1 Harrison Street, SE, 3rd Floor
Leesburg, VA 20177-7000

RE: Belmont Estates; ZMAP 2005-0019

Dear Ms. McCarter:

We have reviewed the rezoning application referenced above for 81 dwelling units (plans dated June 27, 2005) and offer the following comments.

Background

As you know, the Northern Virginia Regional Park Authority owns and operates the Washington & Old Dominion Railroad Regional Park (W&OD Trail) adjacent to the south side of the subject site. This 45-mile long, 100-foot wide, linear park property traverses Northern Virginia between Shirlington in Arlington County and Purcellville in Loudoun County. The park features paved and unpaved multi-use trails and hosts an estimated two million visitors a year. The generally straight and flat paved trail, which follows the gentle grade of the former railroad bed, provides a major bicycle commuter route for Northern Virginia that connects to numerous other trails. The W&OD was designated a National Recreation Trail in 1987 by the U.S. Department of Interior.

Impacts

The Park Authority supports a connector trail from the subject site to the W&OD paved trail. However, the connector trail location on park property must be revised to avoid tree clearing since the existing trees along the 323-foot common boundary provide an effective buffer from the proposed development. The existing gate along the common boundary, which is located approximately 100 feet from the subject site's southwest property corner, provides a gap in the tree line. The gate location also has the benefit of being opposite the existing connector trail from the Wild Meadow subdivision located south of the W&OD Trail.

The applicant will be required to obtain a permit from the Park Authority for the connection and the licensee will be responsible for construction of the entire connection and its perpetual maintenance. Connector trails are approved on a case-by-case basis, taking into consideration safety, slope, sight distance, maintenance responsibility, and whether the connection serves the public as opposed to individual property owners.

A-32

Requirements

1. The connector trail location must be revised so that it enters the W&OD park property at the existing gap in the tree line, which is approximately 100 feet from the southwest property corner. The trail on park property must be paved and at least 8 feet wide.
2. The project sponsor shall not encroach onto park property for any purpose prior to, during, or after construction unless the Park Authority approves a permit for the activity.
3. The project sponsor's certified land surveyor shall confirm the location and monumentation of the shared boundary by completing the attached certificate.
4. The existing trees along the common boundary must be protected from construction activities and the limits of clearing and grading revised to reflect the new connector trail location.

Thank you for the opportunity to comment. Please contact me at 703-359-4628 or at diglhaut@nvrpa.org if you have any questions or concerns.

Sincerely,

Daniel Iglhaut
Land Administration and Planning Specialist

c: Chris Pauley, Manager, W&OD Railroad Regional Park

enclosure

A-33

W. Tayloe Murphy, Jr.
Secretary of Natural
Resources



Joseph H. Maroon
Director

COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

217 Governor Street
Richmond, Virginia 23219-2010
Telephone (804) 786-7951 FAX (804) 371-2674 TDD (804) 786-2121

July 27, 2005

Jane McCarter
Loudoun County Planning Department
1 Harrison Street, SE
Leesburg, VA 20175

Re: ZMAP 2005-0019 Belmont Estates

Dear Ms. McCarter:

The Department of Conservation and Recreation's Division of Natural Heritage (DCR) has searched its Biotics Data System for occurrences of natural heritage resources from the area outlined on the submitted maps. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

Biotics documents the presence of natural heritage resources in the project area. However, due to the scope of the activity and the distance to the resources, we do not anticipate that this project will adversely impact these natural heritage resources.

Our files do not indicate the presence of any State Natural Area Preserves under DCR's jurisdiction in the project vicinity.

Under a Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and the Virginia Department of Conservation and Recreation (DCR), DCR represents VDACS in comments regarding potential impacts on state-listed threatened and endangered plant and insect species. The current activity will not affect any documented state-listed plants or insects.

New and updated information is continually added to Biotics. Please contact DCR for an update on this natural heritage information if a significant amount of time passes before it is utilized.

Due to an increasing number of requests and limited staffing resources, effective July 1, 2003 DCR-DNH will require 30 days to comment on projects submitted for our review.

The Virginia Department of Game and Inland Fisheries maintains a database of wildlife locations, including threatened and endangered species, trout streams, and anadromous fish waters that may contain information not documented in this letter. Their database may be accessed from www.dgif.virginia.gov/wildlife/info_map/index.html, or contact Shirl Dressler at 804-367-6913.



**COUNTY OF LOUDOUN
PARKS, RECREATION AND COMMUNITY SERVICES
REFERRAL MEMORANDUM**

To: Jane McCarter, Project Manager, Planning Department (MSC #62)
From:  Brian G. Fuller, Park Planner, Facilities Planning and Development (MSC #78)
Through:  Mark A. Novak, Chief Park Planner, Facilities Planning and Development
CC: Diane Ryburn, Director
Steve Torpy, Assistant Director
Su Webb, PROS Board, Chairman, Catoctin District
Michael Capretti, PROS Board, Vice-Chairman, Broad Run District
Robert C. Wright, PROS Board, Open Space Member
James E. O'Connor, PROS Board, Open Space Member
Date: August 6, 2009



Subject: Belmont Estates ZMAP 2005-0019 (4th Submission)
Election District: Broad Run Sub Planning Area: Ashburn
MCPI #: 085-45-6228, 085-45-2602, 085-45-2233, 116-40-8424, 116-30-9195, 116-40-7623

BACKGROUND and ANALYSIS:

The property is located west of Route 647 (Stubble Road), north of the Washington & Old Dominion Trail and south of Graves Lane and Claiborne Parkway. The Property consists of six (6) parcels, totaling approximately 20.58 acres, located in the Ashburn Community within the Suburban Policy Area and Broad Run Election District. The property is currently zoned R-1 (Single Family Residential-1), CR-1 (Countryside Residential-1) and CR-2 (Countryside Residential-2).

The Applicant has significantly revised the project, and now proposes to develop the Property as a residential community consisting of 23 single-family detached (one is existing) and 50 single-family attached units, 10 of which will be provided as ADUs. To support this program, the Applicant seeks to rezone the Property from R-1, CR-1 and CR-2 to PD-H4 (Planned Development-Housing 4) administered as R-8 in accordance with the provisions of the Revised 1993 Loudoun County Zoning Ordinance. The Applicant further states that the development will be a logical in-fill transition between the Ridges of Ashburn, Ashburn Village, and Belmont Country Club.

A-36

COMMENTS:

While the Applicant has changed since the last Parks, Recreation and Community Services (PRCS) review of the 2nd Submission, a majority of PRCS concerns are still addressed in the redesign. However, PRCS has completed a full review of the application, and Staff offers the following comments and recommendations:

1. Please provide more information about the proposed "Picnic Pavilion" including size and amenities. Furthermore, it appears that the pavilion is proposed on the edge of a slope. Staff recommends relocating it to the flatter area closer to the proposed trail.
2. Does the Applicant intend to provide any trail and/or emergency access to the west of the property along existing and/or former Graves Lane?

CONCLUSION:

Staff has identified the above, outstanding issues that require additional information to complete the review of this Application.

If you have any questions or concerns regarding these comments, please do not hesitate to contact me personally via phone at 571-258-3251, or via e-mail at brian.fuller@loudoun.gov. You may also contact Mark Novak via phone at 703-737-8992, or via e-mail at mark.novak@loudoun.gov. I look forward to attending any meetings or work sessions to offer PRCS support, or to be notified of any further information regarding this project.

9 September 2005

MEMORANDUM TO: Jane McCarter, Project Manager
Department of Planning

FROM: Matthew D. Tolley
Sr. Env. Health Specialist
Division of Environmental Health

SUBJECT: **ZMAP 2005-0019; Belmont Estates**
LCTM: 62/32, 62((1)) 1&2, 62/29 (PINs 085-45-
6228, 085-45-2233, 116-30-9195 & 116-40-7623)

The Health Department recommends approval of this application. The applicant needs to be aware that the above referenced four lots (of the six total) have existing sanitary facilities and a fuel tank which will have to be abandoned as part of their preliminary site plan or plat. The plat reviewed was prepared by Urban Engineering and was dated June 2005.

Attachments Yes ____ No X

If further information or clarification on the above project is required, please contact Matt Tolley at 771-5248.

MDT/JEL/mt
c:subdvgd.ref

A-38



880 Harrison Street, SE • P.O. Box 4000 • Leesburg, Virginia 20177-1403 • www.lcsa.org

November 21, 2005

NOV 21 2005

Ms. Jane McCarter
Department of Planning
1 Harrison Street, S.E.
P. O. Box 7000
Leesburg, Virginia 20177-7000

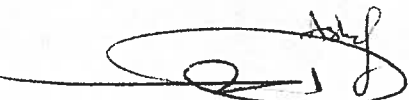
Re: ZMAP-2005-0019, Belmont Estates

Dear Ms. McCarter:

The Sanitation Authority has reviewed the referenced Zoning Map Amendment Petition and offers no objection to its approval. At the preliminary subdivision stage of this project, further investigation will be required to extend the Authority's water service zone. In addition a sewer capacity analysis, to include properties south of this project, will be required. Should offsite easements be required to extend public water and/or sanitary sewer to this site, the applicant shall be responsible for acquiring such easements and dedicating them to the Authority at no cost to the County or to the Authority.

Public water and sanitary sewer service would be contingent upon the developer's compliance with the Authority's Statement of Policy; Rates, Rules and Regulations; and Design Standards. Should you have any questions, please advise.

Sincerely,



A. Mohammed Shammet, P.E.
Manager of Planning
Engineering Division

Should you have any questions or concerns, feel free to contact me at 804-371-2708. Thank you for the opportunity to comment on this project.

Sincerely,

S. Rene' Hypes
Project Review Coordinator

MEMORANDUM

TO: Jane McCarter, Department of Planning (#62)

FROM: Larr Kelly, Zoning Division, Department of Building and Development (#60)



DATE: September 29, 2009

RE: ZMAP 2005-0019: Belmont Estates

As requested, I have reviewed the draft proffers, dated September 17, 2009, for the above referenced Zoning Map Amendment application. Pursuant to this review, I offer the following comments:

1. In regard to the preamble, in the third line thereof, the applicant makes a term of art out of the phrase "Property Owner" but does not use the term anywhere in the proffers. However, in the signature line, the term "Owner" is used. I suggest that the term "Property Owner" either be removed or that it be changed to "Owner".
2. In regard to proffer I., in the second line thereof, I note that only Sheet 6 is being proffered as the Concept Development Plan. I also note that Sheet 5 contains notes and typicals. I urge staff to consider whether this sheet should also be proffered.
3. In further regard to proffer I., in the third line thereof, the applicant cites the date of the CDP as "May 3, 2005". However, the CDP which accompanied this referral is dated "May, 2009". I suggest that this inconsistency be eliminated.
4. In further regard to proffer I., which incorporates the CDP by reference, I note a number of items on the CDP which have not been addressed in the proffers. Specifically, I note that:
 - a. The proffers do not address the possible vacation/abandonment of existing Stubble Road along the Property's frontage, nor does it mention who is to be responsible for initiating such action, who is to be responsible for the costs of such act, nor the timing for undertaking such act. I suggest that these be addressed.
 - b. The proffers do not address the extension of Deerview Drive to the entrance of the Property. I suggest that it be indicated who is to be responsible for such extension, the timing of such extension, and who is to be responsible for the acquisition of any necessary off-site right of way.

A-40

- c. The proffers do not address the creation of a cul-de-sac for the southern portion of Stubble Road. I suggest that it be indicated who is to be responsible for providing such cul-de-sac and the timing for its provision.
 - d. The proffers do not specify the timing for the provision of emergency access from existing Stubble Road to Deerview Drive, although Note 8 on the CDP does indicate that such access will be provided. I suggest that the timing be addressed, and that it be clearly stated that the Applicant is the party responsible for providing the emergency access.
 - e. The proffers do not address exactly what is to happen to Graves Lane. It is not clear if this is an existing public road or private road. However, it appears that this road exists as a prescriptive easement. Therefore, this raises questions as to how the notes on the CDP are supposed to be interpreted. One note states that "Existing Graves Lane to be Vacated" while another note states "Existing Graves Lane to be Improved to Private Street FSM Standards". If this is a public road, it is not clear how Graves Lane can be built to private street standards. I suggest that the status of Graves Lane and what is to happen to it be clarified.
 - f. The proposed modification to Section 4-109 requests a reduction in the northern buffer from 50 feet to 25 feet. However, it is not clear that this 25 feet is being observed, especially in the area of the roundabout/cul-de-sac at the internal end of the "55' Public Road" shown on the CDP. It appears that this road goes to the northern edge of the Property. It also appears that this buffer is not being observed to the west of this road. I suggest that the applicant's intent be clarified.
 - g. The proffers do not address the "Possible Interparcel Access" to the west nor the "Potential Emergency Access" to the west. I suggest that the applicant clarify their intent in regard to these two points of access, and under what circumstances the "Possible" and "Potential" accesses may be realized.
 - h. The proffers do not address the creation of the cul-de-sac like entrance to the Property, or whether this is supposed to be a roundabout. I suggest that the design for the entrance be clarified.
5. In regard to proffer III., in the first line thereof, I suggest that the word "be" be changed to the phrase "develop the Property in accord with the".
6. In further regard to proffer III., I note that the applicant has requested a modification to reduce the R-8 district setback from 50 feet to 20 feet in two locations along the southern property boundary. However, I can only see one location where such reduction is occurring. I suggest that this be clarified.

7. In regard to proffer IV., in the sixth line thereof, the applicant refers to the "river and stream corridor resource". However, it is not clear exactly what portion of the Property is being referenced. I suggest that this be clarified.
8. In further regard to proffer IV., in the last line thereof, the applicant states that the recreational amenities "will be completed prior to the issuance of occupancy permits in Land Bay 2". I suggest that this be clarified to refer to the issuance of the first occupancy permit in Land Bay 2.
9. In regard to proffer V., I urge staff to review the proposed per unit capital facilities contribution to ensure that the affordable dwelling units have been correctly taken into account.
10. In regard to proffer VI., in the twelfth line thereof, I suggest that the phrase "and/or" be changed to "and" and that the phrase "an incorporated" be changed to "incorporated". Additionally, in the thirteenth line of the proffer, I suggest that the word "company" be changed to "companies".
11. In regard to proffer VII.C., in the first and fourth lines thereof, I suggest that the word "receipt" be changed to "issuance". Additionally, in the second line, I suggest that a comma be placed after the word "permit".
12. In further regard to proffer VII.C, I note that the applicant clearly states their intention to install a signal at the intersection of Gloucester Parkway and Deerview Drive in the event that the warrant study shows that the traffic signal is necessary. However, there is nothing to address what is to happen if study indicates that the warrants are not yet there or will not be there. I suggest that this contingency be addressed.
13. In regard to proffer VIII.A.3., in the last sentence thereof, the applicant has indicated that the "species and placement of replacement trees shall be proximate to the area of each such damaged tree". While I can understand how the placement of the tree would be proximate to the damaged tree, I am uncertain what is meant by the specie being proximate to the damaged tree. I suggest that this be clarified.
14. In regard to proffer VIII.A.4., in the second line thereof, I suggest that commas be placed around the phrase "as shown on the record plat". Additionally, in the third line thereof, I suggest that a comma be placed after the word "Applicant".
15. In regard to proffer VIII.C., I note that the proposed trigger mechanism for providing the geographic information in a digital format is "approval of the first plan". However, as this is a totally residential development, there may not be a site plan for this project. I suggest that this be changed to refer to "approval of the first record plat, or first site plan for the Property, whichever is first in time".

-
16. In regard to proffer VIII.D., I suggest that it be indicated that the "Energy Star certification" shall be attained prior to the issuance of the occupancy permit for each unit.
 17. These proffers will need to be signed by all landowners, and be notarized, prior to the public hearing on this application before the Board of Supervisors.

A-44

I, Jeffrey A. Nein, do hereby state that I am an

 Applicant

X Applicant's Authorized Agent listed in Section C.1. below

in Application Number(s): ZMAP 2005-0019

and that to the best of my knowledge and belief, the following information is true:

C. DISCLOSURES: REAL PARTIES IN INTEREST AND LAND USE PROCEEDINGS

1. REAL PARTIES IN INTEREST

The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS** and **LESSEES** of the land described in the application* and if any of the forgoing is a **TRUSTEE**** each **BENEFICIARY** of such trust, and all **ATTORNEYS**, and **REAL ESTATE BROKERS**, and all AGENTS of any of the foregoing.

All relationships to the persons or entities listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together (ex. Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc.) For a multiple parcel application, list the Parcel Identification Number (PIN) of the parcel(s) for each owner(s).

<i>PIN</i>	<i>NAME</i> <i>(First, M.I., Last)</i>	<i>ADDRESS</i> <i>(Street, City, State, Zip Code)</i>	<i>RELATIONSHIP</i> <i>(Listed in bold above)</i>
116-40-7623 116-40-8424 085-45-2602 085-45-6228 085-45-2233 116-30-9195	Belmont Land L.C. -Bruce A. Gould -Steven B. Peterson	12500 Fair Lakes Circle Suite 400 Fairfax, VA 22033	Applicant/Title Owner
	Urban Engineering & Associates, Inc. -David T. McElhaney -Alvis H. Hagelis -Eric S. Siegel	7712 Little River Turnpike Annandale, VA 22003	Engineers/Agent
	T3 Design, P.C. -Patricia Timbrook-McMullan	3927 Old Lee Highway Suite 101-C Fairfax, VA 22030	Engineers/Agent

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** In the case of a TRUSTEE, list Name of Trustee, name of Trust, if applicable, and name of each beneficiary.

Check if applicable:

X There are additional Real Parties in Interest. See Attachment to Paragraph C-1.

I, Jeffrey A. Nein, do hereby state that I am an
 Applicant

X Applicant's Authorized Agent listed in Section C.1. below

in Application Number(s): ZMAP 2005-0019

and that to the best of my knowledge and belief, the following information is true:

C. DISCLOSURES: REAL PARTIES IN INTEREST AND LAND USE PROCEEDINGS

1. REAL PARTIES IN INTEREST

The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS** and **LESSEES** of the land described in the application* and if any of the forgoing is a **TRUSTEE**** each **BENEFICIARY** of such trust, and all **ATTORNEYS**, and **REAL ESTATE BROKERS**, and all AGENTS of any of the foregoing.

All relationships to the persons or entities listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together (ex. Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc.) For a multiple parcel application, list the Parcel Identification Number (PIN) of the parcel(s) for each owner(s).

<i>PIN</i>	<i>NAME</i> <i>(First, M.I., Last)</i>	<i>ADDRESS</i> <i>(Street, City, State, Zip Code)</i>	<i>RELATIONSHIP</i> <i>(Listed in bold above)</i>
	Cooley Godward Kronish LLP -Anthony J. Calabrese -Mark C. Looney -Colleen P. Gillis Snow -Jill Switkin Parks -Brian J. Winterhalter -Shane M. Murphy -John P. Custis -Jeffrey A. Nein -Molly M. Novotny -Ben I. Wales	11951 Freedom Drive Reston, VA 20190-5656	Attorneys/Agent

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** In the case of a TRUSTEE, list Name of Trustee, name of Trust, if applicable, and name of each beneficiary.

Check if applicable:

 There are additional Real Parties in Interest. See Attachment to Paragraph C-1.

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

Belmont Land L.C., 12500 Fair Lakes Circle, Suite 400, Fairfax, VA 22033 _____

Description of Corporation:

☒ *There are 100 or fewer shareholders and all shareholders are listed below.*

☐ *There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.*

☐ *There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

☐ *There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

Names of Shareholders:

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
ABP Investment L.P.	

Names of Officers and Directors:

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)

Check if applicable:

☐ There is additional Corporation Information. See Attachment to Paragraph C-2.

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

Urban Engineering & Associates, Inc., t/a Urban, Ltd., 7712 Little River Turnpike, Annandale, VA 22003 _____

Description of Corporation:

X There are 100 or fewer shareholders and all shareholders are listed below.

____ There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

____ There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

____ There are more than 500 shareholders and stock is traded on a national or local stock exchange.

Names of Shareholders:

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
Barry B. Smith	
J. Edgar Sears, Jr.	
Brian A. Sears	

Names of Officers and Directors:

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)

Check if applicable:

____ There is additional Corporation Information. See Attachment to Paragraph C-2.

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

T3 Design, P.C., 3927 Old Lee Highway, Suite 101-C, Fairfax, VA 22030 _____

Description of Corporation:

X There are 100 or fewer shareholders and all shareholders are listed below.

____ There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

____ There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

____ There are more than 500 shareholders and stock is traded on a national or local stock exchange.

Names of Shareholders:

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
Patricia Timbrook-McMullan, P.E., PTOE	

Names of Officers and Directors:

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)

Check if applicable:

____ There is additional Corporation Information. See Attachment to Paragraph C-2.

3. PARTNERSHIP INFORMATION

The following constitutes a listing of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in the affidavit.

Partnership name and address: (complete name, street address, city, state, zip)

ABP Investment, L.P., 12500 Fair Lakes Circle, Suite 400, Fairfax, VA 22033 _____

___ (check if applicable) The above-listed partnership has no limited partners.

Names and titles of the Partners:

<i>NAME</i> (First, M.I., Last)	<i>Title</i> (e.g. General Partner, Limited Partner, etc)
Alan C. Gault, Jr.	General Partner
Andrew I. Gault	Member
Brian C. Gault	Member
Patrick T. Gault	Member

Check if applicable:

___ Additional Partnership information attached. See Attachment to Paragraph C-3.

3. PARTNERSHIP INFORMATION

The following constitutes a listing of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in the affidavit.

Partnership name and address: (complete name, street address, city, state, zip)

Cooley Godward Kronish LLP, 11951 Freedom Drive, Suite 1500, Reston, VA 20190

X (check if applicable) The above-listed partnership has no limited partners.

Names and titles of the Partners:

<i>NAME</i> (First, M.I., Last)	<i>Title</i> (e.g. General Partner, Limited Partner, etc)
Jane K. Adams	Partner
Gian-Michele a Marca	Partner
Maureen P. Alger	Partner
Gordon C. Atkinson	Partner
Michael A. Attanasio	Partner
Jonathan P. Bach	Partner
Celia Goldwag Barenholtz	Partner
Frederick D. Baron	Partner
James A. Beldner	Partner

Check if applicable:

X Additional Partnership information attached. See Attachment to Paragraph C-3.

NAME (First, M.I., Last)	Title (e.g. General Partner, Limited Partner, etc)	NAME (First, M.I., Last)	Title (e.g. General Partner, Limited Partner, etc)
Keith J. Berets	Partner	Lester J. Fagen	Partner
Laura A. Berezin	Partner	Brent D. Fassett	Partner
Russell S. Berman	Partner	David J. Fischer	Partner
Laura Grossfield Birger	Partner	M. Wainwright Fishburn, Jr.	Partner
Barbara L. Borden	Partner	Daniel W. Frank	Partner
Jodie M. Bourdet	Partner	Richard H. Frank	Partner
Wendy J. Brenner	Partner	William S. Freeman	Partner
Matthew J. Brigham	Partner	Steven L. Friedlander	Partner
Robert J. Brigham	Partner	Thomas J. Friel, Jr.	Partner
John P. Brockland	Partner	Koji F. Fukumura	Partner
James P. Brogan	Partner	James F. Fulton, Jr.	Partner
Nicole C. Brookshire	Partner	Philip J. Gall	Partner
Alfred L. Browne, III	Partner	William S. Galliani	Partner
Matthew D. Brown	Partner	Stephen D. Gardner	Partner
Matthew T. Browne	Partner	John M. Geschke	Partner
Robert T. Cahill	Partner	Kathleen A. Goodhart	Partner
Antonio J. Calabrese	Partner	Lawrence C. Gottlieb	Partner
Linda F. Callison	Partner	Shane L. Goudey	Partner
Roel C. Campos	Partner	William E. Grauer	Partner
William Lesse Castleberry	Partner	Jonathan G. Graves	Partner
Lynda K. Chandler	Partner	Kimberley J. Kaplan-Gross	Partner
Dennis (nmi) Childs	Partner	Paul E. Gross	Partner
Ethan E. Christensen	Partner	Kenneth L. Guernsey	Partner
Samuel S. Coates	Partner	Patrick P. Gunn	Partner
Alan S. Cohen	Partner	Zvi (nmi) Hahn	Partner
Thomas A. Coll	Partner	John B. Hale	Partner
Joseph W. Conroy	Partner	Andrew (nmi) Hartman	Partner
Jennifer B. Coplan	Partner	Bernard L. Hatcher	Partner
Carolyn L. Craig	Partner	Matthew B. Hemington	Partner
John W. Crittenden	Partner	Cathy Rae Hershcopf	Partner
Janet L. Cullum	Partner	John (nmi) Hession	Partner
Nathan K. Cummings	Partner	Gordon K. Ho	Partner
John A. Dado	Partner	Suzanne Sawochka Hooper	Partner
Craig E. Dauchy	Partner	Mark M. Hrenya	Partner
Darren K. DeStefano	Partner	Christopher R. Hutter	Partner
Scott D. Devereaux	Partner	Jay R. Indyke	Partner
Jennifer Fonner DiNucci	Partner	Craig D. Jacoby	Partner
Michelle C. Doolin	Partner	Eric C. Jensen	Partner
John C. Dwyer	Partner	Robert L. Jones	Partner
Robert L. Eisenbach, III	Partner		

Check if applicable:

X Additional information for Item C-3 is included on an additional copy of page C-3.

NAME (First, M.I., Last)	Title (e.g. General Partner, Limited Partner, etc)	NAME (First, M.I., Last)	Title (e.g. General Partner, Limited Partner, etc)
Barclay J. Kamb	Partner	Timothy J. Moore	Partner
Richard S. Kanowitz	Partner	Webb B. Morrow, III	Partner
Jeffrey S. Karr	Partner	Kevin P. Mullen	Partner
Scott L. Kaufman	Partner	Frederick T. Muto	Partner
Sally A. Kay	Partner	Ryan E. Naftulin	Partner
J. Michael Kelly	Partner	Stephen C. Neal	Partner
Jason L. Kent	Partner	James E. Nesland	Partner
James C. Kitch	Partner	Alison (nmi) Newman	Partner
Michael J. Klisch	Partner	William H. O'Brien	Partner
Michael H. Knight	Partner	Thomas D. O'Connor	Partner
Jason M. Koral	Partner	Vincent P. Pangrazio	Partner
Barbara A. Kosacz	Partner	Timothy G. Patterson	Partner
Kenneth J. Krisko	Partner	Anne H. Peck	Partner
John G. Lavoie	Partner	D. Bradley Peck	Partner
Robin J. Lee	Partner	Susan Cooper Philpot	Partner
Shira Nadich Levin	Partner	Benjamin D. Pierson	Partner
Alan (nmi) Levine	Partner	Frank V. Pietrantonio	Partner
Michael S. Levinson	Partner	Mark B. Pitchford	Partner
Elizabeth L. Lewis	Partner	Michael L. Platt	Partner
Michael R. Lincoln	Partner	Christian E. Plaza	Partner
James C. T. Linfield	Partner	Lori R.E. Ploeger	Partner
David A. Lipkin	Partner	Thomas F. Poche	Partner
Chet F. Lipton	Partner	Anna B. Pope	Partner
Cliff Z. Liu	Partner	Marya A. Postner	Partner
Samuel M. Livermore	Partner	Steve M. Przesmicki	Partner
Douglas P. Lobel	Partner	Seth A. Rafkin	Partner
J. Patrick Loofbourrow	Partner	Frank F. Rahmani	Partner
Mark C. Looney	Partner	Marc (nmi) Recht	Partner
Robert B. Lovett	Partner	Thomas Z. Reicher	Partner
Andrew P. Lustig	Partner	Michael G. Rhodes	Partner
Michael X. Marinelli	Partner	Michelle S. Rhyu	Partner
John T. McKenna	Partner	Julie M. Robinson	Partner
Daniel P. Meehan	Partner	Ricardo (nmi) Rodriguez	Partner
Beatriz (nmi) Mejia	Partner	Jane (nmi) Ross	Partner
Thomas C. Meyers	Partner	Richard S. Rothberg	Partner
Erik B. Milch	Partner	Adam J. Ruttenberg	Partner
Robert H. Miller	Partner	Adam (nmi) Salassi	Partner
Chadwick L. Mills	Partner	Thomas R. Salley, III	Partner
Brian E. Mitchell	Partner	Richard S. Sanders	Partner
Patrick J. Mitchell	Partner	Glen Y. Sato	Partner
Ann M. Mooney	Partner		
Gary H. Moore	Partner		

Check if applicable:

X Additional information for Item C-3 is included on an additional copy of page C-3.

NAME (First, M.I., Last)	Title (e.g. General Partner, Limited Partner, etc)	NAME (First, M.I., Last)	Title (e.g. General Partner, Limited Partner, etc)
Martin S. Schenker	Partner	John H. Toole	Partner
Joseph A. Scherer	Partner	Robert J. Tosti	Partner
Renee (nmi) Schwartz	Partner	Michael S. Tuscan	Partner
William J. Schwartz	Partner	Edward Van Geison	Partner
Brent B. Siler	Partner	Miguel J. Vega	Partner
Gregory A. Smith	Partner	Erich E. Veitenheimer, III	Partner
Whitty (nmi) Somvichian	Partner	Aaron J. Velli	Partner
Mark D. Spoto	Partner	Robert R. Vieth	Partner
Wayne O. Stacy	Partner	Lois K. Voelz	Partner
Neal J. Stephens	Partner	Craig A. Waldman	Partner
Donald K. Stern	Partner	Kent M. Walker	Partner
Michael D. Stern	Partner	David A. Walsh	Partner
Anthony M. Stiegler	Partner	David M. Warren	Partner
Steven M. Strauss	Partner	Steven K. Weinberg	Partner
Myron G. Sugarman	Partner	Thomas S. Welk	Partner
Christopher J. Sundermeier	Partner	Christopher A. Westover	Partner
Ronald R. Sussman	Partner	Francis R. Wheeler	Partner
C. Scott Talbot	Partner	Brett D. White	Partner
Mark P. Tanoury	Partner	Peter J. Willsey	Partner
Philip C. Tencer	Partner	Nancy H. Wojtas	Partner
Gregory C. Tenhoff	Partner	Jessica R. Wolff	Partner
Michael E. Tenta	Partner	Nan (nmi) Wu	Partner
Timothy S. Teter	Partner	Kevin J. Zimmer	Partner
ADDITIONS:			
Mazda K. Antia	Partner	Mark A. Medearis	Partner
Elias J. Blawie	Partner	Keith A. Miller	Partner
Connie N. Bertram	Partner	Ian (nmi) O'Donnell	Partner
Wendy (nmi) Davis	Partner	Amy E. Paye	Partner
Renee R. Deming	Partner	John W. Robertson	Partner
Eric S. Edwards	Partner	John H. Sellers	Partner
Sonya F. Erickson	Partner	Mark B. Weeks	Partner
Alison J. Freeman-Gleason	Partner	Mark (nmi) Windfield-Hansen	Partner
Jon E. Gavenman	Partner	Mavis L. Yee	Partner
Jeffrey M. Gutkin	Partner		
Chrystal N. Jensen	Partner		
Mark L. Johnson	Partner		
Kevin F. Kelly	Partner		
Kristen D. Kercher	Partner		
Natasha V. Leskovsek	Partner		
Bonnie Weiss McLeod	Partner		

Check if applicable:

___ Additional information for Item C-3 is included on an additional copy of page C-3.

4. **ADDITIONAL INFORMATION**

- a. One of the following options **must** be checked:

☐ In addition to the names listed in paragraphs C. 1, 2, and 3 above, the following is a listing of any and all other individuals who own in the aggregate (directly as a shareholder, partner, or beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

☒ Other than the names listed in C. 1, 2 and 3 above, no individual owns in the aggregate (directly as a shareholder, partner, or beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

Check if applicable:

☐ Additional information attached. *See Attachment to Paragraph C-4(a).*

- b. That no member of the Loudoun County Board of Supervisors, Planning Commission, Board of Zoning Appeals or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land, or as beneficiary of a trust owning such land.

EXCEPT AS FOLLOWS: (If none, so state). NONE

Check if applicable:

☐ Additional information attached. *See Attachment to Paragraph C-4(b).*

- c. That within the twelve-month period prior to the public hearing for this application, no member of the Loudoun County Board of Supervisors, Board of Zoning Appeals, or Planning Commission or any member of his immediate household, either individually, or by way of partnership in which any of them is a partner, employee, agent or attorney, or through a partner of any of them, or through a corporation (as defined in the Instructions at Paragraph B.3) in which any of them is an officer, director, employee, agent or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has or has had any business or financial relationship (other than any ordinary customer or depositor relationship with a retail establishment, public utility, or bank), including receipt of any gift or donation having a value of \$100 or more, singularly or in the aggregate, with or from any of those persons or entities listed above.

EXCEPT AS FOLLOWS: (If none, so state). NONE

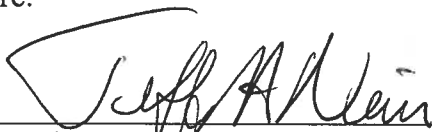
Check if applicable:

☐ Additional information attached. *See Attachment to Paragraph C-4(c).*

D. COMPLETENESS

That the information contained in this affidavit is complete, that all partnerships, corporations (as defined in Instructions, Paragraph B.3), and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, OR LESSEE of the land have been listed and broken down, and that prior to each hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including any gifts or business or financial relationships of the type described in Section C above, that arise or occur on or after the date of this Application.

WITNESS the following signature:



check one: ☐ Applicant or ☒ Applicant's Authorized Agent

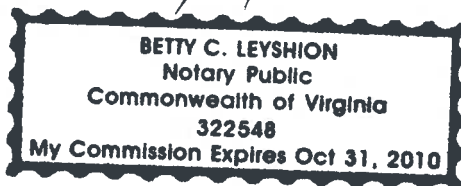
Jeffrey A. Nein, Senior Land Use Planner
(Type or print first name, middle initial and last name and title of signee)

Subscribed and sworn before me this 12th day of August, 2009, in the
~~State~~/Commonwealth of Virginia, in the County/~~City~~ of Fairfax.



Notary Public

My Commission Expires: 10/31/2010



411181 v1/RE

BELMONT ESTATES
ZONING MAP AMENDMENT APPLICATION
STATEMENT OF JUSTIFICATION



May 9, 2005
(Revised October 16, 2009)

PROPERTY INFORMATION

Belmont Land LC (the "*Applicant*") is the title owner of six (6) parcels located in Ashburn, in the Broad Run election district. The parcels, totaling approximately 20 acres, are located west of Stubble Road (Route 647), north of the Washington & Old Dominion Trail and south of Graves Lane and Claiborne Parkway (the "*Property*" or "*Belmont Estates*"). The Property is more particularly identified as Tax Map 62, Parcels 29, 29D, 30, and 32 (MCPI # 116-40-7623, 116-40-8424, 085-45-2602 and 085-45-6228, respectively) and Tax Map 62 ((1)), Parcels 1 and 2 (085-45-2233 and 116-30-9195, respectively).

The site is predominantly zoned R-1 and planned for Residential Uses. Approximately 7.65 acres of the site is zoned CR-1 and CR-2 and mapped as Rural Village- Ashburn pursuant to the Revised General Plan Map.

Belmont Estates is surrounded on all sides by existing or planned residential development. Belmont Country Club is located north of Graves Lane and the Ridges at Ashburn residential community is located across Stubble Road. Residential development zoned R-1 is located on the eastern edge of the Property. The W&OD Trail and the Ashburn Farm mixed-use development is located on the southern side of the Property.

APPLICATION OVERVIEW

The Applicant respectfully requests the rezoning of the Property from R-1, CR-1 and CR-2 to PD-H4 (administered as R-8) to permit the development of up to 71 single-family attached and single-family detached homes. The Property will be developed according to the density, open space and land use policy recommendations for residential communities in the Suburban Policy Area of the Revised General Plan (the "*RGP*").

COMPREHENSIVE PLAN COMPLIANCE

The Property is located in the Ashburn Community within the Suburban Policy Area and is planned for Residential Uses and Rural Village- Ashburn on the Planned Land Use Map of the RGP. The proposed development is compatible with the open space, density and land use policies of the Suburban Policy Area and with the size, scale, historic character and style of the Ashburn village.

REZONING PROPOSAL

The Applicant proposes to rezone the Property to PD-H4 (to be administered as R-8) to permit the development of up to 71 single-family attached and single-family detached homes.

A-57

The proposed community will retain an existing single family detached home to bring the total number of units within the Property to 72. At a density of 3.5 dwelling units per acre, the Applicant carefully considered the surrounding development and densities, as well as the significant natural features existing on the site. Containing both single-family attached and single-family detached homes, the Belmont Estates development transitions from the R-1 single-family detached development south of the W&OD Trail to the more intense PD-H4 development of single-family attached homes at The Greens at Belmont Country Club to the north of the Property.

A significant area of minor floodplain runs through the center of the Property in a north-south direction. The Concept Plan preserves and enhances this area of minor floodplain as an attractive area of wet ponds and open space for the benefit of the community's residents. A gazebo on the western side of the Property allows residents to enjoy a view of these wet ponds and open space.

Access to the development will be provided from Graves Lane and Deerview Drive and Applicant proposes to cul-de-sac Stubble Road just south of the extension of Deerview Drive. The proposed layout orients the neighborhood of single-family detached homes in the eastern half of the site, next to Deerview Drive and the existing single-family detached homes at the Ridges of Ashburn. The single-family attached homes are located on the western edge of the Property and are accessed by Graves Lane to the north.

PROFFERS

The Applicant looks forward to working with the Planning Department Staff to create appropriate and reasonable proffers that benefit the future residents of Belmont Estates and the greater Ashburn area.

The Applicant respectfully requests that the Board of Supervisors approve an appropriate, pro-rata credit against its capital facilities contributions for any regional road improvements it agrees to complete in connection with the rezoning.

TRANSPORTATION

The Belmont Estates Traffic Impact Study confirms that the proposed development will have very little impact on the surrounding road network. Calculated at an earlier, higher proposed density of 81 dwelling units, only 58 AM peak hour trips and 66 PM peak hour trips are generated under the proposed development. With the completion of Gloucester Parkway west of Deerview Drive, Claiborne Parkway north of Hay Road and Stubble Road closed north of Graves Lane (all as contemplated by the Countywide Transportation Plan), acceptable peak hour levels of services exists at all of study area intersections. Despite the minimal impact on the surrounding road network generated by the proposed development, the Applicant looks forward to working with the County to ensure that any nominal traffic impacts on the surrounding road network are reasonably mitigated.

SUMMARY

The proposed rezoning is compatible with the developing land uses in the vicinity of the Property and the resulting development will preserve much of the natural and open space features of the site. Additionally, Belmont Estates will offer additional housing opportunities to counter the growing disparity between the housing supply and the housing demand. The proposed rezoning is consistent with the Residential Neighborhood development policies and design guidelines recommended in the RGP; the natural and recreational features of the Property have been made integral elements of the project's design.

The Applicant respectfully requests favorable consideration of the Application by Staff, the Planning Commission and the Board of Supervisors.

**ZONING MAP AMENDMENT MATTERS FOR CONSIDERATION: Revised 1993 Zoning Ordinance
Section 6-1211 (E)**

Matter 1. *Is the proposed zoning district classification consistent with the Comprehensive Plan?*

The Property is subject to the RGP's Suburban Policy Area land use and the RGP's Existing Village recommendations. The Planned Land Use Map designates the Property for both Residential and Rural Village- Ashburn development. The density of 3.5 dwelling units per acre and the orientation of the single family detached homes within the planned land use designation of Rural Village- Ashburn is consistent with the existing character of Ashburn Village and the policies thereof. Thus, the RGP policies are consistent with the proposed zoning district of PD-H4.

Matter 2. *Are there any changed or changing conditions in the area affected that make the proposed rezoning appropriate?*

The Property is surrounded on all sides by existing residential development (The Greens at Belmont Country Club, the Courts & Ridges at Ashburn and Ashburn Farm). The Ashburn Farm development located to the south of the Property and The Greens at Belmont Country Club development have developed as mixed-use residential communities. The Courts & Ridges at Ashburn neighborhood to the east has developed as a purely residential neighborhood. As a result of the higher density residential zoning designations on the north and east sides of the Property, the more logical zoning of the Property is PD-H4. Rezoning the Property to PD-H4 will unify the zoning in this vicinity north of the W&OD Trail.

Matter 3. *Are the range of uses in the proposed zoning district classification compatible with the uses permitted on other property in the immediate area?*

The proposed PD-H4 district offers a variety of housing types that are compatible with the residential uses on the parcels immediately adjacent to the Property.

Matter 4. *Do adequate utility, sewer and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the Property if it were rezoned?*

The proposed PD-H4 zoning district is in an area supported by existing and planned public infrastructure. The Property will provide its fair share of public improvements and will utilize public facilities in adjacent communities intended to serve the surrounding area.

Matter 5. *What is the effect of the proposed rezoning on the County's ground water supply?*

The Property will be served by a central LCSA water supply and there will be no adverse impact on the County's ground water supply.

Matter 6. *What is the effect of uses allowed by the proposed rezoning on the structural capacity of the soils?*

The uses planned for the Property are not anticipated to have an adverse impact on the structural capacity of the soils.

Matter 7. *What impact will the uses that would be permitted if the Property were rezoned have upon the volume of vehicular and pedestrian traffic safety in the vicinity of the Property? Will the proposed rezoning use sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas?*

The transportation impacts are outlined in the Traffic Impact Analysis of Belmont Estates prepared by Patton Harris Rust & Associates, PC, dated April 21, 2005, included with this rezoning application. At buildout, the proposed development will only nominally impact the surrounding road network.

The proposed rezoning will take such steps as are necessary to mitigate the impact of through construction traffic on existing neighborhoods.

Matter 8. *Does a reasonably viable economic use of the Property exist under the current zoning?*

The residential zoning designation of R-1 presently existing on the site does not permit economically viable commercial development on the site. Further, given the small size of the Property and the fact that it is surrounded on four sides by residential development, it is unlikely that the Property would achieve its highest and best use under any non-residential zoning district. Rezoning the Property to PD-H4 will allow the Applicant to achieve a more vibrant and viable economic use of the Property.

Matter 9. *What is the effect of the proposed rezoning on the environment or natural features, wildlife habitat, vegetation, water quality and air quality?*

The Applicant has identified the minor floodplain in the center of the site as an important environmental feature to be protected and has made certain that the floodplain is protected at the Property. The proposed rezoning is not anticipated to have any adverse impacts on the environment.

Matter 10. *Does the proposed rezoning encourage economic development activities in areas designated by the Comprehensive Plan and provide desirable employment and enlarge the tax base?*

The housing opportunities presented by the proposed PD-H4 district should help existing businesses retain and attract employees, thereby creating a positive impact on the County's tax base.

Matter 11. *Does the proposed rezoning consider the needs of agriculture, industry and businesses in future growth?*

The proposed rezoning will provide employees to support the growth of businesses and employment opportunities.

- Matter 12. *Does the proposed rezoning consider the current and future requirements of the community as to land for various purposes as determined by population and economic studies?*

The proposed rezoning is consistent with the Suburban Policy Area land use recommendations contained in the Revised General Plan. It also mitigates the anticipated growth in the housing shortage in eastern Loudoun County specifically and Northern Virginia generally.

- Matter 13. *Does the proposed rezoning encourage the conservation of properties and their values and encourage the most appropriate use of land throughout the County?*

The proposed rezoning is consistent with the Suburban Policy Area land use recommendations contained in the RGP.

- Matter 14. *Does the proposed rezoning consider trends of growth or changes, employment and economic factors, the need for housing, probable future economic and population growth of the County, and the capacity of existing and/or planned public facilities and infrastructure?*

The proposed PD-H4 district is a response to the issue of housing availability and affordability in the County. The Revised General Plan encourages such higher density residential development in the Suburban Policy Area in large part because of the existing and planned infrastructure found there. Further, the Metropolitan Washington Council on Governments has predicted an increase in the housing shortage between now and 2025. By rezoning the Property to PD-H4, the Applicant can increase the housing opportunities available in the County and by increasing the supply of high-quality housing options, make the available housing more affordable.

- Matter 15. *What is the effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of Loudoun County?*

In addition to providing the Affordable Dwelling Units required by the Zoning Ordinance, the proposed PD-H4 district offers a range of dwelling types to enhance the housing opportunities for residents of Loudoun County.

- Matter 16. *What is the effect of the rezoning on natural, scenic, archaeological, or historical features of significant importance?*

There are very few natural features of significant importance on the Property, but the proposed PD-H4 district is designed to preserve large areas of the Property's natural environment. The conservation design principles employed throughout the PD-H4 district serve to protect the Green Infrastructure elements and make them an integral part of the community design. There are no known historical or archaeological features on the Property.

ZONING ORDINANCE MODIFICATIONS **for** **BELMONT ESTATES**

PROJECT CONTEXT

Belmont Estates (the “*Property*”) is located within the Ashburn Community of the Suburban Policy Area and is in an area presently designated as for Residential Uses and Rural Village- Ashburn by the Revised General Plan (the “*Plan*”).

The Applicant is endeavoring through the proposed rezoning to offer a variety of single-family detached housing styles and single-family attached housing options. The proposed modifications allow the Applicant to fully utilize the unusually shaped Property while preserving nearly 50% of the Property as open space.

SECTION 6-1504 MODIFICATION APPROVAL CRITERIA

“No modification shall be approved unless the Board of Supervisors finds that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the purpose of the existing regulation. No modification will be granted for the primary purpose of achieving the maximum density on a site.”

1. R-8 DISTRICT SETBACK MODIFICATION

Zoning Ordinance Requirements to be Modified

“Section 3-509. Additional Development Standards (C) Minimum Buffer. A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard (Section 5-1414(B)) shall be provided where a development adjoins an existing or planned residential district, land bay, or development which has a minimum allowable lot size of 6,000 square feet or greater. Such buffer area may be included in open space calculations.”

Proposed Modifications. The Applicant requests to reduce the 50’ open space buffer required by Section 3-509(C) to 25’ along the eastern property boundary adjacent to Stubble Road (to be vacated) and open space zoned PD-H4, from 50’ to 20’ along portions of the Southern property boundary adjacent to a CR-2 district, and from 50’ to 30’ along the western property boundary adjacent to an R-1 district, as shown on the CDP.

Justification

Innovative Design.

With regard to the modification of the buffer on the eastern boundary of the Property, Applicant respectfully notes that such boundary is adjacent to a significant area of open space/ stormwater management facility at the Courts & Ridges of Ashburn. Allowing the modification of this buffer will allow the Applicant to continue to respect the significant area of open space/ green infrastructure in the core of the Property without encroaching on the neighboring community.

With regard to the modification of the buffer on a portion of the southern boundary near the proposed turn-around and adjacent to Lot 21, the proposed open space buffer reductions will not

impede the implementation of the required Type 2 Buffer Yard nor adversely impact the adjacent CR-2 property to the south.

With regard to the buffer along the western property line, the Applicant understands that the property owner to the west will likely submit a rezoning application for a community similar to the one proposed herein. Staff has requested that Applicant accommodate the possibility of this proposed community by providing interparcel access along this boundary, and a potential emergency access location is noted on the CDP. If so developed, the boundary between the Property and the parcel to the west will, for all intents and purposes, disappear.

2. R-8 DISTRICT PRIVATE STREET MODIFICATION

Zoning Ordinance Requirements to be Modified

"Section 3-511. Development Setback and Access from Major Roads. In designing residential development, the requirements of Section 5-900 shall be observed: (A) Private Streets. Roads, serving townhouse and multifamily uses only, may be designed and constructed to private streets standards set forth in the Facilities Standards Manual, provided the following conditions are met: (1) All residences served by the private road shall be subject to a recorded covenant expressly requiring private maintenance of such road in perpetuity and the establishment, commencing with the initial record plat, of a reserve fund for repairs to such road. (2) The record plat and protective covenants for such development shall expressly state that the County and VDOT have no and will have no responsibility for the maintenance, repair, or replacement of private roads. (3) Sales brochures or other literature and documents, provided by the seller of lots served by such private roads, shall include information regarding responsibility for maintenance, repair, replacement, and covenants pertaining to such lots, including a statement that the County has no and will have no responsibility for the maintenance, repair, or replacement of private roads. Roads serving other uses shall be designed and constructed to VDOT standards for inclusion in the state highway system."

Proposed Modification: The Applicant requests that the road serving the existing single-family detached unit located in Land Bay 2, as shown on the CDP, be designed and constructed to Category "A" private street standards set forth in the Facilities Standards Manual, provided that the conditions listed in Section 3-511(A) are met.

Justification

Exceed the Purpose of Existing Regulations. The language of Section 3-511(A) of the Revised 1993 Loudoun County Zoning Ordinance expressly permits the Applicant to create private streets provided that the conditions set forth therein are fully met. Applicant intends to meet such standards and respectfully requests approval of this modification to take advantage of this option.

3. PD-H4 DISTRICT SIZE MODIFICATION

Zoning Ordinance Requirements to be Modified

"Section 4-102. Size and Location. A PD-H district, when mapped, shall be no less than fifty (50) acres in size for a PD-H3, no less than twenty five (25) in size for a PD-H 4, and a PD-H 6 district. Smaller parcels that are adjacent to and a logical extension of an approved PD-H district may be approved pursuant to 6-1500. Land may be rezoned to the PD-H district where consistent with the provisions of the residential elements of the Comprehensive Plan."

Proposed Modification: The Applicant requests that the 25 acre minimum for a PD-H4 zoning district be eliminated to permit this approximately 20-acre PD-H district, administered as R-8.

Justification

Exceed the Purpose of Existing Regulations. As an infill parcel within the Ashburn Suburban Policy Area, the Property is a logical extension of the surrounding PD-H4 zoning districts. Further, the proposed modification is permitted by Sections 6-1500 *et seq.* and meets the objectives set forth in Section 6-1502.

4. PD-H DISTRICT SETBACK MODIFICATION

Zoning Ordinance Requirements to be Modified

"Section 4-109. Site Planning - External Relationships. Site planning within the PD-H district shall provide protection of the development from potentially adverse surrounding influences, and protection of surrounding areas from potentially adverse influences within the development. In particular and without limitation, the proposed development shall demonstrate the following features: (C) Uses adjacent to single-family, agricultural, or residential districts or land bays allowing residential uses. Where residential uses in a PD-H district adjoin a single-family residential, agricultural, or residential district or land bay allowing residential uses, or a commercially zoned development approved subject to proffers prior to adoption of this ordinance, the development shall provide for either: (1) Single family dwellings on minimum lots of (20,000) square feet or greater, exclusive of major floodplain, along such perimeter; or, (2) A permanent open space buffer along such perimeter at least fifty (50) feet in width, landscaped with a Type 2 Buffer Yard."

Proposed Modifications: The Applicant requests to reduce the 50' open space buffer required by Section 4-109(C)(2) to 30' along the western property boundary and to 25' along the northern and eastern property boundaries, and to 20' along portions of the southern property boundaries as shown on the CDP.

Justification

Innovative Design. Applicant understands that the property owner to the west will likely submit a rezoning application for a community similar to the one proposed herein. Staff has requested that Applicant accommodate the possibility of this proposed community by providing interparcel access along this boundary. If so developed, the boundary between the Property and the parcel to the west will, for all intents and purposes, disappear.

With regard to modifying the buffer along the northern Property boundary, Applicant points out that this community will be separated from The Greens at Belmont Country Club by Graves Lane. The provision of a buffer along the northern Property boundary, especially when a buffer is already provided along the higher density community of The Greens at Belmont Country Club and such communities are further separated by the alignment of Graves Lane, will inhibit this Property achieving its highest and best use.

With regard to the modification of the buffer on the eastern boundary of the Property, Applicant respectfully notes that such boundary is adjacent to a significant area of open space/ stormwater management facility at the Courts & Ridges of Ashburn. Allowing the modification of this buffer will allow the Applicant to continue to respect the significant area of open space/ green infrastructure in the core of the Property without encroaching on the neighboring community.

Finally, with regard to the modification of the buffer on a portion of the southern boundary near the proposed turn-around and adjacent to Lot 21, the proposed open space buffer reductions will not impede the implementation of the required Type 2 Buffer Yard nor adversely impact the adjacent CR-2 property to the south.

5. PD-H DISTRICT PERIMETER HEIGHT MODIFICATION

Zoning Ordinance Requirements to be Modified

"Section 4-109. Site Planning - External Relationships. Site planning within the PD-H district shall provide protection of the development from potentially adverse surrounding influences, and protection of surrounding areas from potentially adverse influences within the development. In particular and without limitation, the proposed development shall demonstrate the following features: (E) Height limitations at edges of PD-H districts. Except along boundaries where adjoining districts permit greater heights within similar areas, height limitations shall be limited to an imaginary plane leaning inward from district boundaries at an angle representing an increase in height of one (1) foot for every one (1) foot of horizontal distance perpendicular to the district boundary. No portion of any building in such district shall project through said imaginary plane."

Proposed Modification: The Applicant requests that the buildings on Lots 1, 3, 4, 5, 6, 7, and 16 be allowed to pierce the imaginary plan leaning inward from the zoning district boundary at an angle representing an increase in height of one (1) foot for every one (1) foot of horizontal distance.

Justification

Innovative Design. Applicant asserts that it has achieved an innovative design at the site that continues the development pattern of single-family detached units next to single family detached units along Deerview Drive adjacent to the Ridges of Ashburn neighborhood, and orients such single-family detached homes closest to the significant areas of open space in the adjoining community. This community also embraces an Old Ashburn design, which is characterized in part by the incorporation of pedestrian-oriented neighborhoods that create a sense of place from the moment one enters the community. Eliminating the lots that encroach upon the inward-leaning plane (which happen to be located on the eastern and northeastern boundaries of the Property adjacent to other PDH-4 communities) or reducing the allowed building heights on those lots would

seriously hamper the developer's ability to provide a unified neighborhood such as the one proposed within this infill project.

Additionally, Applicant has incorporated an existing single-family detached unit into the design at the site while simultaneously preserving and protecting almost ½ of the Property as green space. In order to effectively utilize the remainder of the site for the proposed single-family attached and detached units, while concurrently providing the necessary yard requirements, Applicant has requested the ability to encroach upon this imaginary plane with regard to lots 1, 3, 4, 5, 6, 7 and 16. With regard to the lots that pierce the inward-leaning plane, Applicant is a minimum of 140 feet from the nearest home in the Courts & Ridges of Ashburn and at least 110 feet from the nearest home in The Greens at Belmont Country Club. The homes necessitating this modification are further separated from the homes in the adjacent communities by intervening roads (Deerview Drive and Graves Lane) and adjacent open space.

Applicant respectfully submits that the piercing of these imaginary planes (which planes adjoin the similarly zoned neighboring PDH-4 communities of the Courts & Ridges of Ashburn and The Greens at Belmont Country Club) will not adversely impact neighboring communities, but rather will result in the creation of a more efficient, open and environmentally sensitive development at the Property.

6. PD-H DISTRICT PRIVATE STREET MODIFICATION

Zoning Ordinance Requirements to be Modified

"Section 4-110. Site Planning - Internal Relationships. The PD-H district shall provide the following: (B) All arterial and collector streets serving a PD-H District, and all streets of any size serving residential (except townhouse and multifamily), commercial, office, institutional and industrial uses within a PD-H district, shall be designed and constructed to VDOT standards for inclusion in the state highway system. Roads serving townhouse and multifamily uses only may be designed and constructed to private streets standards set forth in the Facilities Standards Manual, provided the following conditions are met: (1) All residences served by a private road shall be subject to a recorded covenant expressly requiring private maintenance of such road in perpetuity and the establishment, commencing with the initial record plat, of a reserve fund for repairs to such road. (2) The record plat and protective covenants for such development shall expressly state that the County and VDOT have no, and will have no, responsibility for the maintenance, repair, or replacement of private roads. (3) Sales brochures or other literature and documents provided by the seller of lots served by such private roads shall include information regarding responsibility for maintenance, repair, replacement, and covenants pertaining to such lots including a statement that the County has no, and will have no, responsibility for the maintenance, repair, or replacement of private roads."

Proposed Modifications: The Applicant requests that the road serving the existing single-family detached unit located in Land Bay 2, as shown on the CDP, be designed and constructed to Category "A" private street standards set forth in the Facilities Standards Manual, provided that the conditions listed in Sections 4-110(B) are met.

Justification

Exceed the Purpose of Existing Regulations. The language of Sections 4-110(B) of the Revised 1993 Loudoun County Zoning Ordinance expressly permits the Applicant to create private streets provided that the conditions set forth therein are fully met. Applicant intends to meet such standards and respectfully requests approval of this modification to take advantage of this option.

7. VCOD DISTRICT FRONT YARD MODIFICATION AND

8. VCOD DISTRICT HEIGHT MODIFICATION

Zoning Ordinance Requirements to be Modified

"Section 4-2104. Additional Neighborhood Development Standards. Where the following requirements conflict with other provisions of this Ordinance, then the following requirements of this Section shall apply: (A) Contextual Compatibility Development Standards. (1) Average Front Yard. Adjacent buildings shall have front yard distances that maintain visual continuity of the streetscape. Buildings shall have front yards consistent with the front yard of principal buildings on the same side of the street within 150 feet of both sides of the parcel or parcels being developed. (2) Building Height. Proposed buildings shall have a building height no greater than 50% higher than the highest building on the same side of the street within 150 feet of both sides of the parcel or parcels being developed, not to exceed the maximum building height permitted in the underlying zoning district. Notwithstanding the foregoing, accessory buildings within 150 feet shall not be included when determining the highest building."

Proposed Modifications: The Applicant requests that the front yards for proposed buildings in the Village Conservation Overlay district shall be permitted as shown on the CDP without regard to the average front yard depth of other parcels within 150' of the parcel boundaries and that proposed buildings in the Village Conservation Overlay District shall be permitted up to 45' in height (as permitted in the underlying R-8 Zoning District), without regard to the height of buildings located within 150' of the parcel boundaries.

Justification

Innovative Design. Based upon extensive discussions with the neighbors along Stubble Road and conversations with the neighbors in the Courts & Ridges of Ashburn, Applicant's latest design cul-de-sacs Stubble Road just south of the Property line. As Staff points out, maintaining a certain building height and average front yard are intended to maintain visual continuity of the streetscape. Based on Applicant's design and the plan to abandon Stubble Road along the Property's eastern boundary, Applicant asserts that the "streetscape" will not continue from Stubble Road into Belmont Estates and therefore such requirement does not apply to this development.

Although Applicant believes that this interpretation of the ordinance requirements is correct, Applicant respectfully requests a modification of such provisions if necessary. Applicant again reiterates the innovative design outlined above as the justification for this modification.

9. VCOD DISTRICT LOT SIZE VARIATION MODIFICATION

Zoning Ordinance Requirements to be Modified

"Section 4-2104. Additional Neighborhood Development Standards. Where the following requirements conflict with other provisions of this Ordinance, then the following requirements of this Section shall apply: (B) Other Standards. (2) Variation of Lot Building Sizes. (a) In all new residential subdivisions containing six (6) or more lots, a mixture of lot sizes and dimensions shall be provided. For example, larger and wider lots are encouraged on corners. Smaller lots are encouraged adjacent to parks and open spaces. No more than 33 percent of all lots shall be similar in total lot area. For purposes of this subsection, "similar" lot areas shall be defined as within 500 square feet of each other.

Proposed Modification: The Applicant requests that Lots 1 through 21 be permitted to have similar widths and a lot area variation of less than 500 square feet.

Justification

Innovative Design. As set forth throughout this statement of justification, Applicant is preserving nearly 50% of the site for open space. In order to preserve the green infrastructure of the site and to provide a large, centrally-located open space area, Applicant has chosen to cluster the proposed single-family detached homes within the Village Conservation Overlay District on lots of similar size. Applicant respectfully requests the support of Staff in connection with this modification.

10. VCOD DISTRICT GARAGE SETBACK MODIFICATION

Zoning Ordinance Requirements to be Modified

"Section 4-2104. Additional Neighborhood Development Standards. Where the following requirements conflict with other provisions of this Ordinance, then the following requirements of this Section shall apply: (B) Other Standards. (5) Garage locations. Front-loaded garages shall be setback at least 20 feet behind the front line of all principal buildings, except when a lot within 150 feet of, and on the same side of the street as, the subject lot has a garage setback less than 20 feet from the front lot line of all principal buildings on such lot, in which case the minimum garage setback shall be equal to the garage setback on such lot."

Proposed Modifications: The Applicant requests a modification of this Village Conservation Overlay District requirement to permit the minimum setback for front-loaded garages behind the front line of the principal building on Lots 1 through 21 to be eliminated.

Justification

Innovative Design. For Lots 1-21, Applicant will make every attempt through architectural design of these units to recess the garage from the front façade, but such approach cannot be assured until final site design and engineering. As a result, Applicant respectfully requests that these lots not be required to have a minimum garage setback behind the front line of the principal building.

As set forth throughout this statement of justification, Applicant is preserving nearly 50% of the site for open space. In order to preserve the green infrastructure of the site, Applicant has chosen not to

create additional impervious surface by rear-loading this product, as was previously proposed. Applicant respectfully requests the support of Staff in connection with this modification.

SUMMARY

The requested modifications are de minimus changes to the Zoning Ordinance and will allow the Applicant the flexibility to create an attractive residential community, with desirable single-family attached and single-family detached homes. The requested modifications meet the criteria of Section 6-1504 by exceeding the purpose of the existing regulations and by promoting innovative design. The Applicant respectfully requests favorable consideration of these minor modifications.

241486 v7/RE

Jeffrey A. Nein, AICP
(703) 456-8103
jnein@cooley.com

BY HAND DELIVERY

October 16, 2009

Jane McCarter
Project Manager
Department of Planning
1 Harrison St., S.E., 3rd Floor
Leesburg, Virginia 20177



**RE: ZMAP 2005-0019, Belmont Estates
Response to Additional Review Comments**

Dear Jane:

This letter includes our response to the OTS review comments regarding the June 19th submission of the rezoning application and to the proffer review comments and the supplemental VDOT comments regarding the September 17th submission.

The OTS review comments did not acknowledge the traffic report by T3 Design, Inc., submitted in November 2007 to address the street configuration proposed on the CDP. We are enclosing three additional copies of this report and, in consideration of this report and the supplemental VDOT review comments dated October 5, 2009, we respectfully request that OTS provide a supplemental referral prior to the issuance of the staff report for the November 19th Planning Commission public hearing.

Also enclosed with this submission are three copies each of the revised Statement of Justification, the revised draft proffer statement and a comparison with the previously submitted proffers, and the revised Application plan set.

The staff review comments are addressed below in chronological order. Each agency's comments are summarized (noted in *Italics*) and followed by our response.

Office of Transportation Services (comments dated 9/17/09)

Comment 1: *OTS is in agreement with the applicant to construct Graves Lane as a private roadway; however, the applicant should acknowledge the responsibility to maintain the road. The applicant should add the sidewalk to the typical section on Sheet 9. Subject to the resolution of the above concerns, this issue is resolved.*

Proffer VII.G. has been added to address the construction of Graves Lane as a private street and the HOA's maintenance responsibility. The typical private street section provided on Sheet 5 includes sidewalks.

Jane McCarter
October 16, 2009
Page Two

Comment 2: Not resolved. The applicant wishes to create two cul-de-sacs back-to-back on Stubble Road with an emergency access connecting the two cul-de-sacs. The cul-de-sac at the site entrance will result in Belmont Estates residents having only one access to/from the site via Deerview Drive, and eliminating access through Stubble Road south of the site. OTS does not support the two cul-de-sacs arrangement and would like the applicant to pursue the connection of Stubble Road and Deerview Drive as previously recommended in the Traffic Study that was prepared for Loudoun County done by Patton Harris Rust & Associates, dated July 28, 2004, and as presented/analyzed in the applicant's traffic study, dated June 15, 2005 (also prepared by PHR & A). This connection will provide access to all local properties and ensure proper functionality for the road network in the vicinity of the site. As indicated in the 2004 traffic study, the connection of Deerview Drive to Stubble Road will reduce the delay at the intersections adjacent to the site such as Ashburn Road/Gloucester Parkway. The purpose of providing the connection of Stubble Road and Deerview Drive is to provide a good traffic distribution and better circulation in the area. The construction of Deerview Drive should be designed and constructed to meet all the public road requirements that are acceptable to VDOT. The alternative of having two cul-de-sacs back-to-back is not consistent with Revised General Plan Policy regarding connectivity. Under Residential Neighborhoods Policies # 4, (c) states that "Residential neighborhoods will exhibit the following design characteristics desired by the County: A predominantly interconnected street pattern with inter-parcel connection". Also, it is contrary to the new (2009) VDOT Secondary Street Acceptance Requirement (SSAR) which require connectivity.

The Applicant previously had submitted a revised traffic study to OTS dated November 20, 2007 and prepared by T3 Design, P.C., that analyzed the proposed street configuration including the round-about at the western terminus of Deerview Drive and the turn-around on Stubble Road. This study found that the proposed street configuration functioned in accordance with VDOT standards. These findings are supported by the VDOT review comments dated October 5, 2009. With respect to the Plan policies, we again point out that the current residents adjacent to Deerview Drive and Stubble Road oppose the connection of Deerview and Stubble, and support the street configuration proposed by the Applicant.

Comment 3: OTS concurs that no cul-de-sac north of the property is needed since Stubble Road north of the site entrance will be abandoned. However, abandonment needs to occur prior to approval of this application. OTS believes that Stubble Road south of the site entrance should function as a public, local, paved road, serving the adjacent parcels and providing an additional option of access for local residents to go south to Ashburn Road or to go north to Gloucester Parkway via Deerview Drive. See connectivity policy in the Revised General Plan and VDOT SSAR under the current issue status-comment 2.

As agreed to at our meeting with OTS on September 29th, the Applicant has proffered to initiate the abandonment of the adjacent portion of Stubble Road in conjunction with the extension of Deerview Drive to the Property. With respect to Stubble Road to the south of the Property entrance, we again point out that the current residents adjacent to Deerview Drive and Stubble Road oppose the connection of Deerview and Stubble, and support the street configuration proposed by the Applicant.

Jane McCarter
October 16, 2009
Page Three

Comment 4: Not resolved. The applicant's contribution is less than what OTS has requested. The applicant should contribute \$5,000 per unit consistent with other applications in the area.

The contribution offered by the Applicant is reasonable given that the proposed development and street configuration will have fewer impacts on the local street network than the approved by-right subdivision plan and its street configuration.

Comment 5: The applicant should contribute \$575 per residential unit consistent with other recent applications.

The contribution offered by the Applicant is reasonable given that the proposed development and street configuration will have fewer impacts on the local street network than the approved by-right subdivision plan and its street configuration.

Comment 6: The applicant reduced the number of units from 80 units to 73 units. Therefore, one access point will be sufficient for this site. Regarding the vacation of Stubble Road, please see the current issue status under comment 3.

The total number of units has been further reduced to 72 (21 SFD, 1 existing SFD and 50 SFA). Stubble Road to the north of the Property entrance will be vacated as provided in Proffer VII.E.

Comment 7: The applicant should indicate why the second inter-parcel access to parcel 116-40-4707 (depicted on earlier versions of the plat) has been removed. The CTP calls for such connections. (see CTP policy 4, page 3-15.)

The CDP dated 9/15/09 does include a location for a potential emergency access between Land Bay 2 and PIN: 116-40-4707. This is in addition to the existing Graves Lane ingress/egress easement that will continue to provide connectivity with PIN: 116-40-4707.

Proffer Review, Department of Building & Development (comments dated 9/29/09)

1. *In regard to the preamble, in the third line thereof, the applicant makes a term of art out of the phrase "Property Owner" but does not use the term anywhere in the proffers. However, in the signature line, the term "Owner" is used. I suggest that the term "Property Owner" either be removed or that it be changed to "Owner".*

The Preamble has been revised to use the term "Owner".

2. *In regard to proffer I., in the second line thereof, I note that only Sheet 6 is being proffered as the Concept Development Plan. I also note that Sheet 5 contains notes and typicals. I urge staff to consider whether this sheet should also be proffered.*

Jane McCarter
October 16, 2009
Page Four

The notes on Sheet 5 provide general property information to assist in the review of the Application. The typical street sections are provided to illustrate examples of acceptable sections that may be used for the proposed streets.

3. *In further regard to proffer I., in the third line thereof, the applicant cites the date of the CDP as "May 3, 2005". However, the CDP which accompanied this referral is dated "May, 2009". I suggest that this inconsistency be eliminated.*

Proffer I has been revised to be consistent with the date on the CDP.

4. *In further regard to proffer I., which incorporates the CDP by reference, I note a number of items on the CDP which have not been addressed in the proffers. Specifically, I note that:*

a. The proffers do not address the possible vacation/abandonment of existing Stubble Road along the Property's frontage, nor does it mention who is to be responsible for initiating such action, who is to be responsible for the costs of such act, nor the timing for undertaking such act. I suggest that these be addressed.

Proffer VII.E. has been added to address the vacation of Stubble Road.

b. The proffers do not address the extension of Deerview Drive to the entrance of the Property. I suggest that it be indicated who is to be responsible for such extension, the timing of such extension, and who is to be responsible for the acquisition of any necessary off-site right of way.

Proffer VII.D. has been added to address the extension of Deerview Drive.

c. The proffers do not address the creation of a cul-de-sac for the southern portion of Stubble Road. I suggest that it be indicated who is to be responsible for providing such cul-de-sac and the timing for its provision.

Proffer VII.F. has been added to address the Stubble Road turn-around.

d. The proffers do not specify the timing for the provision of emergency access from existing Stubble Road to Deerview Drive, although Note 8 on the CDP does indicate that such access will be provided. I suggest that the timing be addressed, and that it be clearly stated that the Applicant is the party responsible for providing the emergency access.

Proffer VII.F. addresses the provision of emergency access between Stubble Road and Deerview Drive.

e. The proffers do not address exactly what is to happen to Graves Lane. It is not clear if this is an existing public road or private road. However, it appears that this road exists as a prescriptive easement. Therefore, this raises questions as to how the notes on the CDP are supposed to be interpreted. One note states that "Existing Graves Lane to be Vacated" while

Jane McCarter
October 16, 2009
Page Five

another note states "Existing Graves Lane to be Improved to Private Street FSM Standards". If this is a public road, it is not clear how Graves Lane can be built to private street standards. I suggest that the status of Graves Lane and what is to happen to it be clarified.

Graves Lane is an existing 50-foot wide ingress/egress easement. Proffer VII.G. has been added to address the proposed partial vacation of this easement and the improvement of Graves Lane within the Property to a two-lane private street consistent with FSM standards.

f. The proposed modification to Section 4-109 requests a reduction in the northern buffer from 50 feet to 25 feet. However, it is not clear that this 25 feet is being observed, especially in the area of the roundabout/cul-de-sac at the internal end of the "55' Public Road" shown on the CDP. It appears that this road goes to the northern edge of the Property. It also appears that this buffer is not being observed to the west of this road. I suggest that the applicant's intent be clarified.

It is our understanding that the permanent open space buffer referenced in Section 4-109(C)(2) applies only where proposed residential uses, not proposed streets, adjoin existing residential areas. A modification has been requested in those areas where proposed residential uses, i.e., residential lots, are located less than 50 feet from the adjoining existing residential areas.

g. The proffers do not address the "Possible Interparcel Access" to the west nor the "Potential Emergency Access" to the west. I suggest that the applicant clarify their intent in regard to these two points of access, and under what circumstances the "Possible" and "Potential" accesses may be realized.

The Application Plan set has been revised to change the label "Possible Interparcel Access" to "Existing Interparcel Access" to reflect the existing condition on Graves Lane. Proffer VII.H. has been added to address the "Potential Emergency Access" for the R-1 parcel to the west.

h. The proffers do not address the creation of the cul-de-sac like entrance to the Property, or whether this is supposed to be a roundabout. I suggest that the design for the entrance be clarified.

Proffer VII.D. addresses the round-about that will be constructed in conjunction with the extension of Deerview Drive.

5. In regard to proffer III., in the first line thereof, I suggest that the word "be" be changed to the phrase "develop the Property in accord with the".

Proffer III has been revised as suggested.

6. In further regard to proffer III., I note that the applicant has requested a modification to reduce the R-8 district setback from 50 feet to 20 feet in two locations along the southern

Jane McCarter
October 16, 2009
Page Six

property boundary. However, I can only see one location where such reduction is occurring. I suggest that this be clarified.

The R-8 district setback modification has been revised to include language similar to that used in the requested modification for Section 4-109(C)(2). Nevertheless, the impacted areas along the southern property line are adjacent to proposed Lot 21 and adjacent to the possible entry feature.

7. In regard to proffer IV., in the sixth line thereof, the applicant refers to the "river and stream corridor resource". However, it is not clear exactly what portion of the Property is being referenced. I suggest that this be clarified.

Proffer IV has been revised to reference the minor floodplain area, which is depicted on the CDP.

8. In further regard to proffer IV., in the last line thereof, the applicant states that the recreational amenities "will be completed prior to the issuance of occupancy permits in Land Bay 2". I suggest that this be clarified to refer to the issuance of the first occupancy permit in Land Bay 2.

Proffer IV has been revised as suggested.

9. In regard to proffer V., I urge staff to review the proposed per unit capital facilities contribution to ensure that the affordable dwelling units have been correctly taken into account.

As noted on the CDP, the 71 proposed units require 9 ADUs. The per unit capital facilities contribution referenced in Proffer V accounts for the 9 required ADUs.

10. In regard to proffer VI., in the twelfth line thereof, I suggest that the phrase "and/or" be changed to "and" and that the phrase "an incorporated" be changed to "incorporated". Additionally, in the thirteenth line of the proffer, I suggest that the word "company" be changed to "companies".

Proffer VI has been revised as suggested.

11. In regard to proffer VII.C., in the first and fourth lines thereof, I suggest that the word "receipt" be changed to "issuance". Additionally, in the second line, I suggest that a comma be placed after the word "permit".

Proffer VII.C. has been revised as suggested.

12. In further regard to proffer VII.C, I note that the applicant clearly states their intention to install a signal at the intersection of Gloucester Parkway and Deerview Drive in the event that the warrant study shows that the traffic signal is necessary. However, there is nothing to

Jane McCarter
October 16, 2009
Page Seven

address what is to happen if study indicates that the warrants are not yet there or will not be there. I suggest that this contingency be addressed.

If the number of vehicle trips added to the Deerview Drive/Gloucester Parkway intersection by the proposed development does not warrant a traffic signal at that intersection, there is no other contingency to be addressed. The Applicant has proffered a regional transportation contribution in Proffer VII.B.

13. In regard to proffer VIII.A.3., in the last sentence thereof, the applicant has indicated that the "species and placement of replacement trees shall be proximate to the area of each such damaged tree". While I can understand how the placement of the tree would be proximate to the damaged tree, I am uncertain what is meant by the specie being proximate to the damaged tree. I suggest that this be clarified.

Proffer VIII.A.3. has been clarified as suggested.

14. In regard to proffer VIII.A.4., in the second line thereof, I suggest that commas be placed around the phrase "as shown on the record plat". Additionally, in the third line thereof, I suggest that a comma be placed after the word "Applicant".

Proffer VIII.A.4. has been revised as suggested.

15. In regard to proffer VIII.C., I note that the proposed trigger mechanism for providing the geographic information in a digital format is "approval of the first plan". However, as this is a totally residential development, there may not be a site plan for this project. I suggest that this be changed to refer to "approval of the first record plat, or first site plan for the Property, whichever is first in time".

Proffer VIII.C. has been revised as suggested.

16. In regard to proffer VIII.D., I suggest that it be indicated that the "Energy Star certification" shall be attained prior to the issuance of the occupancy permit for each unit.

Proffer VIII.D. has been revised as suggested.

17. These proffers will need to be signed by all landowners, and be notarized, prior to the public hearing on this application before the Board of Supervisors.

Comment acknowledged.

Virginia Department of Transportation (comments dated 10/5/09)

It has been brought to our attention that our August 10, 2009 comment #1 conflicts with our previous comments dated October 13, 2006.

Jane McCarter
October 16, 2009
Page Eight

If Loudoun County authorities desire the proposed concept, this office, as stated in our October 13, 2006 comments, will not offer objections to that concept, as follows:

A roundabout at the westerly end of Deerview Drive, no physical connection between Route 647 Stubble Road and Deerview Drive, and the cul-de-sac with island at the end of the proposed public street at the beginning of the private street connecting to the townhouses and Graves Lane.

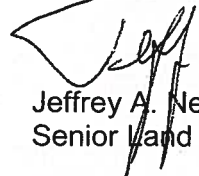
Comments acknowledged.

We believe this response letter, the draft proffers, the revised Statement of Justification and the amended Application plans address all remaining staff comments. We look forward to the Planning Commission public hearing in November.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions.

Very truly yours,

Cooley Godward Kronish LLP



Jeffrey A. Nein, AICP
Senior Land Use Planner

Enclosure

cc: Bruce A. Gould, P.E., The Peterson Companies
David T. McElhaney, P.E., Urban, Ltd.
Colleen Gillis Snow, Esq., Cooley Godward Kronish, LLP

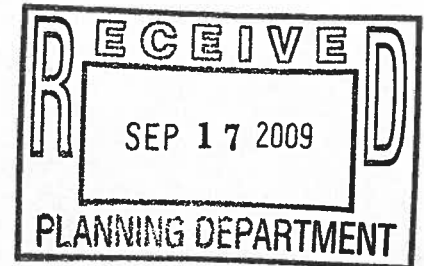
417685 v1/RE

Jeffrey A. Nein, AICP
(703) 456-8103
jnein@cooley.com

BY HAND DELIVERY

September 17, 2009

Jane McCarter
Project Manager
Department of Planning
1 Harrison St., S.E., 3rd Floor
Leesburg, Virginia 20177



**RE: ZMAP 2005-0019, Belmont Estates
Response to County Review Comments**

Dear Jane:

This letter includes our response to the review comments on the June 19th submission of the rezoning application. The main elements of this submission are as follows:

- One single-family detached unit has been removed, resulting in a total of 72 residential units (50 SFA, 21 SFD, and one existing SFD).
- The 50-unit townhouse area has been reconfigured to expand the open space buffer along the western property line and to allow more of the townhouse units to be adjacent to the interior open space areas.
- The 21-unit SFD area has been reconfigured to expand the open space buffer along the northern and eastern property lines.
- A commitment to Energy Star certification is included for the proposed residential units.
- The Tree Conservation Area has been expanded to include the red cedar fence row area adjacent to the W&OD Trail.
- The trail system has been expanded to connect all residential units with the active recreation areas, and commitments to pervious trail materials and raised boardwalk trail crossing within the river and stream corridor resource are provided.
- A reforestation area is provided along the east side to the river and stream corridor resource.
- Emergency access for the property to the west has been provided.

Enclosed with this submission are five copies each of the revised Statement of Justification, the revised draft proffer statement and a comparison with the previously submitted proffers, and the revised Application plan set.

Jane McCarter
September 17, 2009
Page Two

The staff review comments are addressed below in chronological order. Each agency's comments are summarized (noted in *Italics*) and followed by our response.

Loudoun County Public Schools (comments dated 7/14/09)

The Applicant's commitment to constructing sidewalks and a pedestrian trail connecting the residential areas of Belmont Estates is appreciated.

Comment acknowledged.

Parks, Recreation and Community Services (comments dated 8/6/09)

1. Please provide more information about the proposed "Picnic Pavilion" including size and amenities. Furthermore, it appears that the pavilion is proposed on the edge of a slope. Staff recommends relocating it to the flatter area closer to the proposed trail.

The proposed picnic pavilion will be a minimum of 24 feet by 24 feet in area and will include a barbeque grill and a minimum of four picnic tables. This commitment has been added to the proffer statement (Proffer IV). The location of the pavilion has been shifted to flatter ground, as recommended.

2. Does the Applicant intend to provide any trail and/or emergency access to the west of the property along existing and/or former Graves Lane.

The revised CDP shows a trail along Graves Lane that will be extended to the western property line. The revised CDP also shows the location for a potential second interparcel access with the property to the west.

Virginia Department of Transportation (comments dated 8/10/09)

1. We understand that there has been citizen input against the connection of Deerview Drive to Stubble Road. However, dispersion of traffic and alternatives routes are sound planning principles and we continue to strongly recommend that this connection be made. The elimination of this through connection also leads to not only circuitous routing but also to a somewhat awkward street configuration. However, we will defer to Loudoun County's judgment in this matter.

The adjacent residents in the Ridges at Ashburn strongly object to a connection of Deerview Drive and Stubble Road, and support the proposed street network that includes a round-about to help reduce traffic speeds through their neighborhood.

2. If the connection cited in comment # 1 is not made, will the portion of Stubble Road north of Deerview Drive require a standard cul-de-sac terminus?

No. The portion of Stubble Road north of Deerview Drive is chained-off and is not in use. The Applicant will request that the Stubble Road right-of-way adjacent to the Property be vacated.

Jane McCarter
September 17, 2009
Page Three

3. *The vacation/abandonment of portions of Stubble Road, Route 647 will need to be completed prior to/in concert with the development of this site.*

Comment acknowledged.

4. *Please dimension the centerline radii of the public roads and ensure that they meet the requirements as specified in VDOT's 2005 Subdivision Street Requirements.*

The CDP has been revised to provide this information.

5. *Please clearly label the projected ADT of each public road on the plan.*

The CDP has been revised to provide this information.

6. *How do corner Lots 2 and 12 gain access? These lots should gain access via the road with lesser traffic volume.*

Lots 2 and 11 will have access to the main public street that will serve the Property.

7. *How does Lot 1 gain access? Its citing may make access awkward and/or unsafe. We recommend this lot gain access via an ingress/egress easement to the minor cul-de-sac.*

Lot 1 will also have access to the main public street. The revised CDP has shifted the SFD units to the west and improves the access situation for Lot 1.

8. *Sheet 9 of 9 Typical Sections (Public Roads): The minimum width of the utility strip (or buffer strip) is 3' measured from the sidewalk to the back of the curb. Adjust typical sections to comply.*

The referenced typical section on Sheet 5 has been revised as requested.

9. *Draft proffer VII.C dated June 19, 2009: Please incorporate language to the effect that "...If such traffic signal is warranted, as determined by VDOT..."*

Proffer VII.C. has been revised as suggested.

10. *The roundabouts appear to be more correctly classified as cul-de-sac with islands. If they are incorporated then they are to comply with VDOT's 2005 Road Design Manual Appendix B Subdivision Street Design Guide Section B - 4 -F. b and Table 3.*

Comment acknowledged.

11. *Pursuant to provisions of the VDOT Secondary Street Acceptance Requirements (SSAR) Section 24 VAC 30-92-20.B.6 "Grandfathering", the County should advise VDOT whether they desire this application to be reviewed under the SSAR or under the 2005 Subdivision Street Requirements*

Jane McCarter
September 17, 2009
Page Four

The 2005 Subdivision Street Standards are appropriate inasmuch as those standards were used to review the approved CPAP for the Property's approved by-right subdivision plan..

Community Planning, Department of Planning (comments dated 8/10/09)

Open Space. Staff recommends updating the CDP to provide active recreation space for the community in a central location, open to the surrounding streets. Staff further recommends updating the Open Space Exhibit to accurately depict those areas that meet the intent of the Plan.

The CDP has been revised to locate the community picnic pavilion and the main active recreation area within open space adjacent to a proposed public street and accessible by trails from both the townhouse and single-family detached areas. The Open Space Plan has been revised to accurately depict the open space and buffer areas.

Civic Space. Staff recommends revising the CDP to provide approximately 2 acres of civic space. Staff requests information pertaining to the number of picnic tables proposed within the picnic pavilion and a commitment to seating within the existing gazebo.

The proffer statement has been revised to include commitments for a minimum of four picnic tables within the 24' by 24' picnic pavilion and a commitment for seating within the existing gazebo.

Pedestrian Access. Staff recommends the applicant commit to permeable trails within the river and stream corridor resource.

Proffer IV has been revised to commit to permeable trails within the river and stream corridor resource area.

Interparcel Access: Staff recommends updating the CDP to show interparcel connections as called for in the Plan.

There are no opportunities for interparcel access to the developed properties to the north. However, the CDP has been revised to show the location of a potential emergency interparcel access with the undeveloped property to the west.

Energy Efficient Design and Construction Principals. Staff recommends a commitment to energy efficient design and construction principals.

Proffer VIII.D. has been added to commit all proposed residential units to Energy Star certification.

Garages. Staff does not support a modification to reduce the garage setback for the single-family detached lots. Staff recommends the applicant minimize the impact of the garage doors by emphasizing the pedestrian entrances as required in the Zoning Ordinance.

Jane McCarter
September 17, 2009
Page Five

The Property is located at the extreme northern edge of the Ashburn Village Conservation Overlay District and the proposed single-family detached units are more proximate to and will have more in common with the design of the residential uses in the adjacent PD-H4 district than with the scattered homes and uncoordinated development pattern within the Ashburn VCOD along Stubble Road to the south. The proposed road network further serves to separate the PD-H area from the VCOD area. Nevertheless, the Applicant will explore architectural treatments to minimize the impact of the garage doors.

River and Stream Corridor Resources. Staff recommends relocating the proposed active recreation areas to a central location outside of the river and stream corridor resource.

Plan policies permit active recreation facilities, such as the proposed recreation field, within the river and stream corridor resource. The proposed location of this active recreation facility is centrally located between the single-family detached and townhouse areas, is adjacent to a public street and is accessible by trails within the Property.

Surface Water. Staff recommends updating the CDP to provide active open space in the location of lots 19 and 20 and passive open space in the location of lots 21 and 22. The removal or relocation of these lots will allow for centrally located active open space open to the surrounding streets while also preserving wetlands. Staff further recommends the applicant commit to prioritizing mitigation for those areas of disturbance that cannot be avoided as follows: (1) onsite, (2) within the Broad Run Watershed within the same Planning Policy Area, (3) within the Broad Run Watershed outside the Planning Policy Area, and (4) Loudoun County, subject to approval by the U.S. COE and the Virginia DEQ.

The revised CDP does show a large active recreation area that is open to the surrounding streets. The potential wetlands disturbance resulting from the proposed rezoning plan layout is less than that indicated on the approved preliminary subdivision plan.

Stormwater Management. Staff recommends a commitment to LID techniques on the subject property. Staff defers to ERT regarding appropriate LID techniques for the subject property.

Although ERT did not recommend specific LID techniques, the Applicant will consider appropriate LID techniques during the site plan/subdivision review process.

Forests, Trees and Vegetation. Staff recommends delineating all of the existing vegetation within the river and stream corridor resource as a Tree Conservation Area. Staff suggest the applicant work with ERT to identify appropriate measures for reforestation of the river and stream corridor resource.

The CDP has been revised to include a reforestation area adjacent to the east side of the river and stream corridor resource.

Affordable Housing/Unmet Housing Needs. Staff recommends the applicant provide a commitment that addresses the full spectrum of unmet housing needs up to 100 percent of the AMI.

Jane McCarter
September 17, 2009
Page Six

The Applicant will fully comply with the adopted ADU regulations for this small in-fill project.

Capital Facilities. Staff recommends that the impacts of the proposed development be mitigated.

It is noted that one of the depicted single-family homes within the Application exists today. Therefore, the capital facilities contribution has been recalculated based on 21 proposed SFDs and 50 proposed SFAs. The total anticipated capital facilities contribution is \$1,720,925, which will be paid on a per unit basis with each residential zoning permit.

Zoning Modifications. Staff does not support a reduction in the garage setback as it does not comply with Plan policies. Furthermore, staff does not support the reduction in buffer widths unless open space is provided elsewhere onsite on an acre-to-acre basis.

The CDP does not preclude the possibility of a house design that incorporates a recessed garage, but the Applicant cannot commit to such a design at this time. The revised CDP proposes smaller reductions in the specified buffer widths and provides a significant internal open space area consistent with Plan policies.

Department of Fire, Rescue and Emergency Management (comments dated 8/11/09)

The Fire and Rescue Staff has no comments.

Acknowledged.

Environmental Review Team (comments dated 8/12/09)

1. Staff recommends clarification of the jurisdictional wetlands and waters if the US and of minor floodplain on site.

The two western ponds are not jurisdictional wetlands and the CDP will be revised accordingly. The extent of the minor floodplain will be clarified prior to the approval of the first subdivision plan or CPAP.

2. Staff recommends that the application apply for a green building certification or make a commitment to Energy Star certification for all homes.

The Applicant has added proffer VIII.D. to commit all proposed homes to Energy Star certification.

3. Staff recommends a BMP approach that treats stormwater quality uphill of existing ponds, releasing stormwater into the existing ponds at rates and volumes that will not endanger existing pond embankments.

Appropriate BMPs will be determined at the time of subdivision and/or site plan approval.

Jane McCarter
September 17, 2009
Page Seven

4. *Staff recommends that a stormwater easement be depicted on future construction plan and profiles and record plats for the area of this development that encompasses the 100-year runoff from the existing off-site pond as the runoff conveys through this site to the minor floodplain.*

The need for such an easement will be determined at the time of subdivision and/or site plan approval.

5. *Staff recommends that a commitment be provided to mitigate stream and wetland impacts in a hierarchical fashion from on-site to elsewhere in the County, subject to COE and DEQ approval.*

The development of the property has been authorized by the COE under State Program General Permit 07-SPGP-01 and by DEQ permit WP4-08-1572. Mitigation credits have been purchased.

6. *Staff recommends relocation of both active recreation areas to the forested area in the northeast corner of the project area, with associated preservation of hardwood trees in the recreation area.*

The Applicant prefers to provide the active recreation areas in the centrally located and open areas of the Property.

7. *Staff recommends providing a typical section for all proposed trails identifying the proposed surface material. Staff recommends that a commitment be provided to employ raised, boardwalk-style trail crossings in areas where the trail crosses jurisdictional waters and wetlands.*

Proffer IV commits to providing permeable trail materials and raised boardwalk-style trail crossings within the river and stream corridor resource area. Please see the typical boardwalk detail on Sheet 5.

8. *Staff recommends that the Red Cedar Fence Rows identified in the Tree Stand Evaluation adjacent to the W&OD Trail be added to the designated Tree Conservation Areas on the CDP.*

The revised CDP and Proffer VIII.B. note that this area will be preserved and excluded from areas of grading and clearing. This area is also included in the Tree Conservation Area.

9. *Staff notes that digital wetland and cultural resources data is available and requests a commitment indicating when the requested digital data will be submitted.*

Proffer VIII.C. commits to providing to the County any digital wetlands delineation information in the Applicant's possession concurrent with the approval of the first site plan for the Property.

Jane McCarter
September 17, 2009
Page Eight

Zoning Administration, Department of Building and Development (comments dated 8/13/09)

I. R-8 Single Family Residential (Section 3-500):

1. Section 3-509(C): The applicant seeks to reduce the 50' minimum permanent common open space buffer required between the proposal and an adjoining development that has a minimum lot size of 6,000 sf or greater. They request a reduction along the western boundary to 25' and a reduction to 10' along the northern and eastern boundary. The applicant has not requested a modification to the southern boundary; however, a portion of the buffer area is greatly reduced near the Deerview roundabout. The 50' buffer would extend to the intersection of the buffer required/requested along the eastern property line. Therefore, provide the buffer or request a modification for the southern boundary in the area of the roundabout. The request must be corrected for the northern boundary, as this particular ordinance section is applicable only where the development adjoins another development with a minimum lot size of 6,000 sf or greater. According to County records, the adjoining northern property is the same zoning district as the proposal which has no minimum required lot size. Therefore, a common open space buffer per 3-509 is not required along the northern boundary. Section 4-109(C) applies to the northern boundary (see below). Section 3-509(C) also applies to the western and eastern boundary. The applicant seeks to reduce the common open space buffer along the eastern boundary from 50' to 10'. The proposed CDP does not show the buffer, nor does the Zoning Modification tabulation on sheet 3 of the CDP adequately identify the location of the requested modification. Staff does not support the reduction to 10' along the eastern boundary as the plantings required in a Category 2 Buffer Yard cannot be supported in such a narrow space. Finally, the applicant has coupled this modification with a request to modify Section 4-109(C), which does not have the same applicability. All modifications need to be listed separately.

The requested Zoning Modifications have been separated, as suggested, and the extent of the requested buffer modifications has been reduced. The minimum proposed buffer width is now 20 feet, along a portion of the southern property line, which is a width sufficient to accommodate a Type 2 Buffer Yard.

2. Section 3-511(A): The applicant seeks a modification to allow private roads to serve the Landbay 2 townhouses as well as the existing SFD unit that will remain in Landbay 2. State the FSM private road category proposed and the proposed road widths. Revise the Zoning Modification #1 tabulation on sheet 3 as the conditions in Section 3-511(A)(1)-(3) must be met. A modification to 4-110(B) requires that 4-110(B)(1) through (3) be met. Again, state the modifications individually. Label the road serving Lots 3 through 11 as public and state whether the proposed road/ROW width will meet public standards. Note that in the event Stubble Road is not vacated, Lots 1 through 6 will have 2 front yards, eliminating or restricting the ability of those lots to have decks, or other accessory structures not otherwise permitted per Section 5-200. In addition, revise Proffer IX.A. to include covenants and disclosures on plats, promotional material, etc. per Sections 3-511(A)(1) through (3).

Jane McCarter
September 17, 2009
Page Nine

The applicable modifications have been separated as suggested and references to Category "A" private streets have been added, along with references to the Section 3-511(A) and 4-110(B) standards, respectively.

II. Planned Development-Housing (Section 4-100):

3. Section 4-109(A): Principal vehicular access points are required to be designed to encourage smooth traffic flow and streets are not to be connected with streets outside the district that encourage through traffic. The proposed principal access is through the Ridges of Ashburn neighborhood street and all units are accessed through a series of stubbed and cul-de-sac streets. There is no smooth traffic flow as all 73 units, in addition to any additional traffic from units to the west of the proposal, must enter and exit through a neighborhood street that was a cul-de-sac, but is now being reconfigured into a roundabout. Graves Lane and Stubble Road are proposed to be vacated and access cut further limiting smooth vehicular patterns. The proposal continues to have unwieldy and awkward access that does not meet this Ordinance requirement.

Deerview Drive through the Ridges of Ashburn functions more as a collector road than a neighborhood street as few homes have direct access to it. Based on discussions with and the preferences of the adjacent neighbors, a round-about is proposed for Deerview Drive at the Property entrance to provide traffic calming and to preclude cut-through traffic to and from Stubble Road. The proposed street network conforms with VDOT requirements.

4. Section 4-109(C)(2): Where a residential proposal adjoins a single-family residential development, a permanent 50' open space buffer landscaped with a Category 2 Buffer Yard is required. This requirement applies to the northern boundary where the applicant seeks to reduce the 50' permanent open space buffer to 10'. The proposed width is not shown on sheet 3 of the proposal, and staff does not support a more than 50% width reduction as a Category 2 Buffer Yard cannot be supported in such a narrow width. A Category 1 landscaping buffer is required between the subject and the property to the north, which is a minimum 10' in width, supporting the need for a larger buffer width in order to adequately maintain the viability of a Category 2 planting schedule.

The CDP has been revised to provide a minimum 25' wide open space buffer (50% reduction requested) along the northern property boundary with a Type 2 Buffer Yard.

5. Section 4-109(E): The applicant seeks to eliminate the height limitations for lots 1, 3-7, and 18 asserting that the criteria for approving a modification is met because the proposed SFD units are innovative in that the units are: (1) oriented next to existing SFD, (2) provide alley loaded SFD units with detached garages, and (3) oriented closest to open space provided in an adjoining community. Staff does not agree that proposing SFD units next to existing SFD unit development is innovative, but rather a logical and more commercially appealing arrangement. Further, there are no alleys and no detached garages proposed, and finally placing the proposed SFD units near the development's open space is not innovative, but a Plan requirement for open space to be centrally located and an Ordinance requirement for open space to be accessible to the residents it is intended to serve. As the open space is located near or in the floodplain, this is the likeliest location for open space. The applicant also asserts that the modification is required in order to create a more traditional neighborhood, or neo-traditional design; however, front loading, attached

Jane McCarter
September 17, 2009
Page Ten

garages are not neo-traditional in design. Based on the applicant's justification, the lots subject to the modification would need to be eliminated because they encroach into the imaginary plane. However, lots do not need to be eliminated because they project into the inward leaning plane, but the building height needs to be adjusted. As requested with the third submission, staff asks that the applicant demonstrate graphically the impact of the requirement upon the lots for which the modification is requested in order to determine if the modification is actually necessary.

The CDP was previously revised to eliminate the detached garages and alleys in Land Bay 1 and the justification for the requested modification has been revised. The proposed single-family detached layout accommodates a wider perimeter buffer to the north and east, and depending on final house designs and lot siting, the requested height modification may not be needed for all perimeter lots. However, the Applicant is requesting this modification for all perimeter lots (Lots 1, 3, 4, 5, 6, 7 and 16) to accommodate final engineering.

6. Section 4-110(B): Roads serving residential units (except townhouses), must be designed and constructed to VDOT standards. The applicant seeks to modify this section in order to allow the existing SFD unit to be served by a private street (see comment 2 above). State the private road category proposed and the road width for all streets and label the road serving lots 3 through 11 as public. Ensure that its width confirms to VDOT standards.

Graves Lane is an existing private access easement and the requested modification will maintain the current status of this road. The modification request has been revised to reference the FSM Category "A" private street standards and the CDP has been revised to label the public and private streets.

7. Section 4-110(C): Streets shall provide immediate, safe and convenient access and circulation for service and emergency vehicles. The proposed layout results in all streets being stubbed in Landbay 2, with insufficient area for emergency and service vehicles to exit or turn around. Emergency vehicles serving end units will be forced to back out in order to exist. The proposal does not meet the Ordinance requirement, therefore, revise the layout or otherwise provide adequate turn around area.

The private streets in Land Bay 2 have been redesigned to ensure adequate turn around areas for emergency vehicles.

8. Section 4-110(E): Vehicular access from off-street parking shall be designed to promote safe traffic flow. However, the proposal has parking directly accessing traffic lanes in Landbay 2, so that cars must back up into travel lanes, creating unsafe traffic flow. Revise the layout of the on-street parking or create an off-street parking lot. In addition, parking spaces on the private road may not be counted toward the off-street parking requirement. In the Parking Provided tabulation on sheet 3, state the number that is on-street. Also, state if the TH units have a single or double garage.

The revised street and parking layout for Land Bay 2 complies with FSM requirements for townhouse developments. Off-lot parking areas are shown for 0.5 spaces/unit in accordance with the Zoning Ordinance. The parking tabulation on Sheet 5 provides all requested information.

Jane McCarter
September 17, 2009
Page Eleven

9. *Section 4-110(F): Pedestrian ways shall be provided to all units and facilities. Lots 69 through 72 have no sidewalks. Extend the sidewalk from Lots 62-68 past the stubbed street to the end of Lot 72. Also extend the sidewalk along the frontage of Lot 18 in Landbay 1.*

The revised CDP provides sidewalks for all residential lots.

10. *Section 4-111(A): Thirty percent (30%) of the PD-H land area, excluding road right-of-way, shall be devoted to open space. On sheet 7, ensure that the net site area of 19.06 acres has only excluded public road right-of-way that is serving Landbay 1, and that private roads in Landbay 2 are not included in the net area as a private road has no right-of-way.*

The Open Space calculation on Sheet 7 excludes the public rights-of-way.

III. Village Conservation Overlay District (Section 4-2100):

11. *Section 4-2104(A)(1): MCPI 085-45-6228 and 085-45-2602 are within the VCOD. The applicant seeks to modify the average front yard for Landbay 1 to allow the front yards to be as shown on the CDP. The original comment remains outstanding as the plan does not provide a proposed front yard width. Provide the average front yard that is being proposed and what the yard would be if the requirement was being fulfilled. Staff does not believe this modification is needed in that the house to the south of the proposed development, averaged with the townhouse development to the north will require a setback that is arduous; even so, the extent of the requested modification is helpful in its evaluation. The applicant states that Stubble Road does provide the streetscape and that the modification is necessary for the proposal to embrace a neo-traditional design and incorporate the VCOD provisions. The applicant is seeking to modify four of the seven development standards in the VCOD, so it is doubtful that the proposal is incorporating VCOD provisions. In addition, the applicant has not correctly stated the provision of the Ordinance which includes ZOAM changes from three years ago. The Zoning Ordinance Requirements to be Modified must be corrected to read as the Ordinance does today, which was a prior comment that was not addressed.*

We also believe that this requirement is not applicable and are only requesting the modification under an abundance of caution. We will be happy to delete this modification upon confirmation by staff that the requirement is not applicable. Nevertheless, the referenced Ordinance section has been revised to reflect the current language.

12. *Section 4-2104(A)(2): The applicant has requested to modify the building height to 40' regardless of adjacent building heights. As requested in the 3rd submission, the applicant must revise the language to match the Ordinance. Staff is unsure whether the modification is necessary since the applicant has not acknowledged the 2006 ZOAM change that permits the proposed buildings to be 50% taller than the highest building within 150 feet of either side of the proposal, not to exceed the maximum building height in the R-8 zoning district. Further, the applicant justifies the modification by stating that the development is neo-traditional in design and that it incorporates the VCOD provisions. While neither justification meets the Ordinance modification criteria of being innovative, improve upon the existing regulation, or exceed the public purpose, the applicant has not demonstrated that the proposed SFD are neo-traditional in*

Jane McCarter
September 17, 2009
Page Twelve

design or that the landbay incorporates "many" of the VCOD provisions, especially in light of the fact that the applicant is proposing a very suburban design (front loading garages, cul-de-sac streets, etc.) and has requested to modify more than ½ of the VCOD development standards.

Again, we also believe that this requirement is not applicable and are only requesting the modification under an abundance of caution. We will be happy to delete this modification upon confirmation by staff that the requirement is not applicable. Nevertheless, the referenced Ordinance section has been revised to reflect the current language.

13. Section 4-2104(B)(1)(a): Development plans shall continue all stubbed or planned to be stubbed streets to the boundary of the development. The proposal does not meet this requirement. Stubble Road and Graves Lane are being vacated, and all the SFA units in Landbay 2 propose stubbed streets. The proposed development has one way in and one way out, limiting the connectivity and smooth flow of traffic for 73 dwellings, and using the Ridges of Ashburn neighborhood to the east as the only access point.

The proposed public/private road network provides connectivity with Deerview Drive to the east and Graves Lane to the west. The private streets in Land Bay 2 have been redesigned to provide turn-around areas to accommodate emergency vehicles and to provide a potential emergency access with the undeveloped parcel to the west. The proposed road network conforms with VDOT and County standards.

14. Section 4-2104(B)(2)(a): The applicant requests to modify the variation in lot size. The Ordinance requires that no more than 33% of all lots shall be within 500 sf of each other. The applicant seeks to eliminate this requirement so that all of the new SFD lots have similar lot sizes and dimensions. The justification is that the applicant is preserving nearly 50% of the site area as open space and is incorporating the guidelines of the VCOD. The Ordinance allows modifications to requirements if they are innovative, improve upon the regulation, or exceed the public purpose, therefore, the applicant has not demonstrated that the requested modification meets the criteria. In addition, a large portion of the open space is minor floodplain or wetlands, which has limited development potential. The applicant is attempting to take "credit" (something above the norm) for meeting an Ordinance requirement. Further, the applicant requests to modify the majority of the VCOD development standards so that it is not evident that the applicant is incorporating the guidelines.

The proposed lots in Land Bay 1 are far removed from the scattered residential units within the VCOD along Stubble Road to the south, and the proposed road network, which is supported by the neighbors in Ridges at Ashburn, further separates the Property from the VCOD to the south. The proposed continuity of lot sizes in Land Bay 1 is consistent with the established development pattern within the adjacent PD-H4 neighborhood to the east. For all practical purposes, the Property has more in common with the adjacent PD-H4 districts than with the VCOD.

15. Section 4-2104(B)(5): The applicant seeks to eliminate the requirement that front loaded garages be setback 20' behind the front line of all principal buildings. The justification does not

Jane McCarter
September 17, 2009
Page Thirteen

meet the criteria in 6-1504 (see above comment). A garage being a prominent feature of a SFD is not neo-traditional in design, nor is it echoing the development pattern of a traditional village.

Again, the Application is consistent with the PD-H4 design criteria and applicable Plan policies, and has more in common with the adjacent PD-H4 districts than with the VCOD to the south. The justification for this modification has been revised.

IV. Affordable Dwelling Unit R-8 (Section 7-800):

16. Section 7-803(C)(2)(c): The rear yard requirement is 15-feet, however, sheet 3 lists it as 16' in the Landbay 2 yard tabulation. Correct the minimum yard requirement.

The R-8 ADU rear yard requirement on Sheet 6 has been corrected.

17. Section 7-803(E): Active recreation space shall be accessible to all residents by an internal walkway. The existing SFD does not have a trail to either of the designated active recreation spaces. It is connected to the recreation spaces only via its frontage on Graves Lane. Staff recommends installing a trail from Graves Lane to the west of the existing SFD south toward the trail proposed at the first stubbed TH street. In addition, sheet 8 (and 3, 5, 6, 7) states that a total of 1.34 acres of active recreation space will be provided. Active recreation space is defined as "flat, open, well-drained usable space configured in squares or greens. Active recreation space may include facilities such as ballfields, tennis courts...tot-lots". Active recreation space may also include picnicking, boating, fishing. The applicant is proposing to place the majority of active recreation space within the floodplain, which is not "well-drained" and the usability greatly hampered. The recreation spaces within the floodplain or wetland areas may count toward open space, but may not be counted toward the required active recreation. Revise the active recreation space to only include those areas that meet the Ordinance definition. If the applicant proposes to use existing ponds for boating or fishing, which would count as active recreation space, highlight its location on the CDP and provide a proffer that protects and enhances those ponds for recreational uses.

The proposed trail/sidewalk network has been revised to link all residential and active recreation areas. The active recreation calculation on Sheet 7 indicates that a minimum area of 17,400 sq.ft. is required for active recreation. This requirement will be satisfied by a combination of play fields, tot lots and fishing pond(s).

18. Section 7-803(F)(2): All units are required to have public road frontage unless otherwise approved. Landbay 1 now is proposing to have all public streets (label the road serving lots 2-11 as public), but the applicant stated in a prior submission that they wish to modify this section, and must do so in order to have private roads in Landbay 2 serving the existing SFD and all the SFA. As stated in prior referrals, add this modification to the list on sheet 3, as well as Zoning Ordinance Modification document, and provide a justification.

All public roads have been labeled on the CDP. Section 3-511(A) allows private streets for townhouse developments and the applicant has requested R-8 and PD-H modifications to allow the existing SFD in Land Bay 2 to continue to be served by a private street. The approval of the

Jane McCarter
September 17, 2009
Page Fourteen

requested R-8 and PD-H public street modification will provide the approval stipulated in Section 7-803(F)(2).

V. Other/Plat:

19. *Add to General Note 18 that the street trees are being provided per Section 4-2104(B)(4).*

This information is provided in Note 22 on Sheet 5.

20. *Delete General Note 19 on sheet 1 as it is duplicative.*

The duplicative note has been deleted.

21. *Revise the property lines on sheet 2 and 4 to correspond with those approved with BLAD 2008-0098 and revise the acreage, MCPI, tax map/parcel as needed. MCPI 116-30-9195 is now a .92 acre parcel and 085-45-2233 is a 10.49 acre parcel. Label the 2 parcels that are within the VCOD.*

The requested information is provided on revised Sheet 2.

22. *As commented before, Section 1-205 requires all structures must have frontage on a street or private access easement. Units in Landbay 2, and especially Lots 69 through 72, appear to have lots with no frontage. Access is over an intervening parcel, presumably common space. Lot lines must extend to the street without an intervening parcel, otherwise, the lots will not have frontage as required by the Ordinance.*

The Typical Section on Sheet 5 depicts all townhouse lots fronting on the private street/access easement that serves the townhouses. There is no intervening open space parcel as suggested.

23. *List all the modifications requested individually on the Zoning Modification tabulation on sheet 3. Modifications are grouped, but the requirements are not duplicative. Further, by listing modifications in groups, the applicant is not adequately portraying the number of modifications being requested.*

All requested modifications are listed separately on Sheet 5.

24. *In Landbay 2, the units are labeled as being front loaded garages. The rear lot lines of the TH units do not abut one another, as there appears to be a strip of land running between the groupings. Describe and/or label the purpose of this area.*

Land Bay 2 has been redesigned. The area outside of the townhouse lots is common open space, as depicted on Sheet 7.

25. *Graves Lane is shown to be partially vacated. Highlight the portion that will be vacated and state if the existing roadway width will remain.*

Jane McCarter
September 17, 2009
Page Fifteen

Note 6 on Sheet 6 explains the proposed road section for Graves Lane.

26. Lots 21 and 22 are proposed in existing wetlands. Provide evidence that the Corps of Engineers has approved the location of lots/houses within the wetland area. Staff defers to ERT for additional comment on the location of houses in a wetland.

A wetlands permit has been issued for the approved by-right subdivision plan layout, which also showed lots in the location of proposed Lots 20 and 21.

27. Sheet 3 shows an emergency access to Stubble Road from the Deerview roundabout. Provide details of the emergency access in the proffers and how this will be achieved through a buffer area connecting to a cul-de-sac.

A modification of the referenced buffer has been requested to accommodate the proposed emergency access at the round-about. Such emergency accesses typically are 12' wide asphalt or grasscrete surfaces with gates or chains at one or both ends.

28. State the number of existing off-street parking spaces related to the existing SFD unit in the Parking Tabulation.

The parking tabulation on Sheet 5 notes 4 parking spaces provided for the existing SFD.

29. Note 2 on sheet 3 states that specimen trees will be saved, if possible. Provide in the Proffer Statement and the plat the criteria and rules under which specimen trees will be removed and what devices or methods will be used to protect those trees.

Note 4 on the CDP states that a determination regarding the preservation of these trees will be made once final engineering is completed.

30. On sheets 3, 6, 7, and 8 of the plat, state the width of the trail instead of giving a range of 6 or 8 feet. Also provide information on the boardwalk that connects the two landbays that is located in the floodplain.

The trail legend in the plan set notes a width of 6 feet. A detail of the raised boardwalk is provided on Sheet 5.

31. Revise the acreage used to calculate the total open space provided in the PD-H Open Space Provided tabulation on sheet 7. The calculation shows the gross acreage of 20.59 being used when, in fact, based upon the percentage, the net area of 19.06 is actually used. Confirm that the deduction from the gross acreage is only public road right-of-way and that none of the private streets are being deducted from the net area.

The revised Open Space calculation on Sheet 7 excludes the public rights-of-way.

32. The Revised General Plan Residential Open Space Tabulation on sheet 7 states that there may be multi-purpose courts per the proffers, however, the Proffer Statement commits to no

Jane McCarter
September 17, 2009
Page Sixteen

specific recreation. In order to meet the minimum required active recreation space, state the specific items that will be provided and their location to fulfill active recreation space, such as the multi-purpose court so that it can be verified that the uses meet the definition.

Note 1 on Sheet 6 is consistent with the possible recreational amenities listed in Proffer IV. The specific items to be provided will be determined at the time of site plan/subdivision approval and will satisfy the Ordinance requirements.

33. On sheet 9 provide a map that clearly shows the location of the 4 tree stand areas and the location of the specimen trees. Determine if any of the specimen trees will be preserved and provide for their protection in the Proffers, as well as indicate on the plat that they will remain.

Tree stand and specimen tree information is provided on Sheet 9. The determination as to the preservation of any specimen trees will be made at the time of final engineering.

VI. Proffer Statement dated June 19, 2009:

34. In the second paragraph, state the zoning district under which the development will be administered.

The PD-H4 district will be administered as R-8 and this information has been added to the second paragraph, as requested.

35. Add to Paragraph I that sheet 7 and 8 are part of the CDP as they provide details about the provision of open and active recreation space. Also revise the number of ADUs being provided in the proffer or on the CDP as the numbers differ.

The information provided on Sheets 7 and 8 is included to demonstrate conformance of the proposed layout with selected Ordinance requirements and Plan policies. Final engineering and final unit counts will dictate the specific quantities/areas that will be required. Sheet 6 notes that 9 ADUs are required based on the proposed 71 SFD/SFA units.

36. In Paragraph II, revise the maximum number of residential units to 74 to include the existing SFD. Also describe the "privately-owned community facilities" and provide the minimum square footage of each of the active recreation areas keeping in mind the prior comment about active recreation being in well drained, useable areas. Providing a phasing timeline of when and how much recreation space will be provided as related to the phasing of units. Provide a timeline of when the existing wells and drainfields will be abandoned.

The total number of units is 72 (71 proposed and 1 existing), as described in Proffer II. The proposed community amenities are described in Proffer IV. The amenities will be constructed at the time the Property is developed and the active recreation elements provided at that time will comply with Zoning Ordinance requirements. The existing wells and drainfields will be abandoned prior to site development.

Jane McCarter
September 17, 2009
Page Seventeen

37. *As requested in prior referrals, revise Paragraph III to list the modifications individually, and to correspond to information requested herein.*

All requested modifications are listed individually in Exhibit B.

38. *As requested previously, in Paragraph IV, it states that construction will take place in conjunction with development of adjacent residential and streets and infrastructure. The open space and recreational areas are central to the development, so it is unclear whether the development of recreation space will be due when Landbay 1 or 2 begins development. Clarify the timing of the provision of the recreation space, provide the minimum that will be provided in each area, provide more specifics on what will be provided in each area, and keep in mind the prior comment about active recreation being in well drained areas. Also, provide a definition of "necessary infrastructure".*

The open space areas and amenities will be provided at the time the Property is developed. A commitment has been added to Proffer IV that the amenities will be completed prior to the issuance of occupancy permits in Land Bay 2.

39. *A traffic signal warrant analysis will be done at the 35th zoning permit, but not constructed until the 65th zoning permit. If a study indicates that a signal is warranted at the 35th zoning permit, its installation should not be delayed until the 65th house is build. Revise the timing in Paragraph VII.C.*

Proffer VII.C. has been revised to provide a trigger of prior to the 45th residential zoning permit, if the signal is warranted.

40. *As requested with the previous referral, Paragraph VIII.A.2 references a minimum area of canopy to be preserved in the Tree Conservation Area, however, no measurement of canopy is provided; therefore, it is difficult to determine if 80% of said canopy has been preserved. Provide an existing amount that will allow for measurement. The proffer allows for replacement of lost canopy within the 80%, but does not provide a standard for replacement. Also, instead of the County, the County's Urban Forester should be consulted.*

The approximate area of the Tree Conservation Areas will be provided on the CDP with the next submission. This proffer has been revised to reference the County's Urban Forester as suggested.

41. *Revise Paragraph VIII.A.3, so that the Owner's certified arborist, in consultation with the County's Urban Forester, determines if a tree is damaged in the Tree Conservation Area.*

The referenced proffer has been revised as suggested.

42. *Label the area referenced in Paragraph VIII.B. so that it is clear which area will be outside of the limits of clearing and grading.*

The referenced fence row is labeled on the CDP and included in the Tree Conservation Area.

Jane McCarter
September 17, 2009
Page Eighteen

43. In Paragraph X, include SFD units in the garage space conversion restriction. If SFD garages are converted to living space, Landbay 1 could potentially fall below the minimum required parking. Plats or other documents that illustrate the development should note the prohibition on garage conversion so that homeowners are put on notice of the restriction.

Proffer X does include SFD units.

44. The Statement should address the vacation of Graves Lane and Stubble Road and its timing, as well as the repercussions if the vacation does not take place. Further, to implement this development plan, the road vacations will need to precede the Landbay development.


The adjustment of the existing private access easement for Graves Lane will occur with or prior to the subdivision and/or site plan approval, as will the vacation of Stubble Road.

We believe this response letter, the draft proffers, the revised Statement of Justification and the amended Application plans address all remaining staff comments. We look forward to the Planning Commission public hearing in October.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions.

Very truly yours,

Cooley Godward Kronish LLP



Jeffrey A. Nein, AICP
Senior Land Use Planner

Enclosure

cc: Bruce A. Gould, P.E., The Peterson Companies
David T. McElhaney, P.E., Urban, Ltd.
Colleen Gillis Snow, Esq., Cooley Godward Kronish, LLP

414874 v1/RE

**BELMONT ESTATES
ZMAP 2005-0019**

PROFFER STATEMENT

October 16, 2009



Pursuant to Section 15.2-2303, Code of Virginia (1950), as amended, and Section 6-1209 of the Revised 1993 Loudoun County Zoning Ordinance, as amended (the "Zoning Ordinance"), Belmont Land LC (the "Owner" and "Applicant"), as the owner of property described as Loudoun County Tax Map 62, Parcels 29, 29D, 30 and 32 and Tax Map 62(1), Parcels 1 and 2 (MCPI # 116-40-7623, 116-40-8424, 085-45-2602, 085-45-6228, 085-45-2233 and 116-30-9195) (the "Property"), on behalf of itself and its successors in interest, hereby voluntarily proffers that the development of the Property subject to ZMAP 2005-0019 shall be in substantial conformity with the proffers as set forth below.

All proffers made herein are contingent upon approval of (i) ZMAP 2005-0019 and the rezoning of the Property to the Planned Development – Housing 4 ("PD-H4") zoning classification, administered as R-8, under the Zoning Ordinance, including the requested modifications of the Zoning Ordinance described below, and the Concept Development Plan, as defined below.

I. CONCEPT DEVELOPMENT PLAN

The development of the Property shall be in substantial conformity with the Concept Development Plan (included by reference as Exhibit A) (the "CDP"), identified as Sheet 6 of the Belmont Estates Rezoning Application plans dated May 2005, as revised through October 16, 2009, prepared by Urban, Ltd. Minor adjustments to the locations of the proposed uses, facilities and improvements shown on the Concept Development Plan shall be permitted to address grading, drainage, environmental, cultural and natural features, development ordinance requirements, and other final engineering considerations, and to accommodate the recommendations of archaeological studies. Development of the Property will comply with the Affordable Dwelling Unit (ADU) regulations of the Zoning Ordinance. A total of 9 ADUs will be provided among the single family attached units.

II. DEVELOPMENT SCOPE

Development of the Property will include a maximum of 72 residential units, including all required ADUs, with related privately-owned community facilities and active recreation areas. The mix of residential units shall include up to 22 single-family detached units, including 1 existing single-family detached unit in Land Bay 2, and up to 50 single-family attached units. The Property will be developed using public water and sewer with such facilities provided to the Property at no cost to the County or to the Loudoun County Sanitation Authority. The Applicant will ensure that any existing wells and drainfields on the Property will be abandoned prior to the recordation of the first residential record plat for the Property.

A-97

III. ZONING ORDINANCE MODIFICATIONS

The Applicant shall develop the Property in accord with the granted the zoning ordinance modifications included in attached Exhibit B for the development of the proposed PD-H4 district.

IV. RECREATIONAL AMENITIES AND SIDEWALKS

The Applicant shall provide active and passive recreational amenities, such as, but not limited to, tot lots with age-appropriate recreational equipment (such as, but not limited to, swings, a swing set, a slide and/or a see-saw), play field and/or volleyball court, fishing pond, picnic pavilion (minimum of 24' by 24') with at least four picnic tables, seating for the existing gazebo, trail network (including permeable trails and raised boardwalk-style trail crossings within the minor floodplain), and sidewalks within the Property, with the construction of all such items to be done in conjunction with the development of the adjacent residential areas and the construction of the internal streets and necessary infrastructure. The provided amenities will be completed prior to the issuance of the first townhouse occupancy permit in Land Bay 2.

V. CAPITAL FACILITIES

The Applicant shall make a one-time, per unit capital facilities contribution of \$24,238.38. The contribution shall be paid prior to the issuance of each residential zoning permit. The Board of Supervisors may allocate said contribution at its discretion.

VI. EMERGENCY SERVICES

Prior to the issuance of each residential zoning permit, a one-time contribution of \$120.00 per unit for each residential unit shall be paid to the County for distribution by the County to the primary volunteer fire and rescue companies providing service to the Property. Said contribution shall escalate on a yearly basis from the base year of 1988 and change effective each January 1 thereafter, based on the Consumer Price Index as published by the Bureau of Labor Statistics, U.S. Department of Labor, for the Washington-Baltimore, MD-VA-DC-WV Consolidated Metropolitan Statistical Area (the "CPI"). For the purpose of this Section, a residential unit includes each single family detached dwelling unit and each single family attached dwelling unit, excluding any approved accessory unit. Contributions pursuant to this paragraph shall be divided equally between the primary servicing fire and rescue companies providing service to the Property. Notwithstanding the foregoing, at such time as the primary fire and rescue services to the Property are no longer provided by incorporated volunteer companies, the obligation to make the contributions listed within this paragraph shall cease. The intent of these provisions is to support a volunteer fire and rescue system so long as a volunteer system is the primary provider of fire and rescue services to the Property. If only one of these services ceases to be provided by a volunteer company, then the contribution shall be halved and shall continue to be provided to the remaining volunteer company.

VII. TRANSPORTATION

A. Transit Capital Costs Contribution

The Applicant shall contribute \$500.00 per unit to the County to be used at the discretion of the Board of Supervisors for the purchase of transit buses, for other transit-related capital projects, or for regional transportation improvements in the Suburban Policy Area, as defined in the Revised General Plan. This contribution shall be made prior to the issuance of each residential zoning permit.

B. Regional Transportation Improvement Contribution

The Applicant shall contribute \$4,500.00 per unit to the County to be used for regional transportation improvements in the immediate vicinity of the Property. This contribution shall be made prior to the issuance of each residential zoning permit.

C. Traffic Signal at Deerview Drive and Gloucester Parkway

The Applicant shall fund a traffic signal warrant analysis, prior to issuance of the 35th zoning permit, for a traffic signal for the intersection of Deerview Drive and Gloucester Parkway. If such traffic signal is warranted, as determined by VDOT, the Owner shall construct and install a pedestrian-activated traffic signal in such location prior to issuance of the 45th zoning permit.

D. Extension of Deerview Drive

The Applicant will construct the extension of Deerview Drive to the Property, including a round-about, as depicted on the CDP. The Applicant will be responsible for the acquisition of any off-site right-of-way required for these improvements. The extension of Deerview Drive and the round-about will be constructed, but not necessarily accepted for maintenance by VDOT, prior to the issuance of the first townhouse occupancy permit for the Property.

E. Vacation/Abandonment of Stubble Road

The Applicant will initiate the public process to vacate/abandon the portion of Stubble Road adjacent to Land Bay 1 in conjunction with the construction of the extension of Deerview Drive and the proposed 55' Public Road depicted on the CDP.

F. Stubble Road Turn-Around and Emergency Access

The Applicant will construct a turn-around on Stubble Road in the approximate location shown on the CDP. The Applicant will be responsible for the acquisition of any off-site right-of-way required for these improvements. The turn-around and the emergency access to Deerview Drive will be constructed prior to the issuance of the townhouse occupancy permit for the Property.

G. Graves Lane

The Applicant will vacate the portion of the existing Graves Lane ingress/egress easement located between Stubble Road and the proposed 55' Public Road depicted on the CDP in conjunction with the approval of the construction plans for the proposed 55' Public Road. The Applicant will construct a two-lane private street to FSM standards within the existing 50-foot wide ingress/egress easement for Graves Lane located between the proposed 55' Public Road and the western boundary of the Property and/or within a new ingress/egress easement in this same location. The two-lane private street will be completed prior to the issuance of the first occupancy permit for the townhouse units in Land Bay 2 and will be maintained by the HOA.

H. Emergency Access for R-1 Parcel

The site plan and subdivision plan for Land Bay 2 shall depict the location of a future emergency access connection for the benefit of the adjacent parcel to the west identified as PIN: 116-40-4707 and currently zoned R-1 (the "R-1 Parcel"). In the event the R-1 Parcel is developed at a density of no more than 4 units per acre subsequent to the development of Land Bay 2 and is required by the County to provide emergency access through Land Bay 2, the Applicant will grant an emergency access easement in such location to connect with the emergency access easements established within Land Bay 2. The Applicant shall not be responsible for any costs, plan and document preparation and processing, or construction associated with such emergency access.

VIII. ENVIRONMENT

A. Tree Conservation and Tree Protection

1. The Applicant shall establish a tree save area in the location shown on the CDP as the "Tree Conservation Area." Clearing in this area shall be permitted only for the construction of utilities, storm water management facilities, recreational facilities, trails and sidewalks, and any such clearing shall be limited to the minimum area required for said construction.

2. A minimum of eighty (80) percent of the canopy within the cumulative Tree Conservation Area depicted on the CDP will be preserved, exclusive of stands of Virginia Pine over 25 years in age. In the event that the eighty (80) percent canopy threshold cannot be achieved within the designated Tree Conservation Areas, such lost canopy will be recaptured elsewhere onsite in locations to be designated at the discretion of the Owner in consultation with the County's Urban Forester. Boundaries of all Tree Conservation Areas shall be delineated on the record plat recorded for each section of the development. Construction plans shall clearly define the limits of the tree save area and all such areas shall be clearly marked in the field. Tree protection fencing shall be placed outside the drip lines along the tree save area prior to commencing land-disturbing activities. The Applicant reserves the right to remove, in consultation with the County's Urban Forester, any dead, damaged, dying or diseased trees and vegetation, and any tree or vegetation that interferes with the construction, proper functioning and/or use of any utility or drainage easement, or creates a danger to property or persons.

3. If, during construction on the Property, it is determined by the Owner's certified arborist, in consultation with the County's Urban Forester, that any healthy tree located within the boundaries of any of the Tree Conservation Areas described in this proffer has been damaged during construction and will not survive, then the Owner shall remove each such tree and replace each such tree with two (2) 2½ - 3 inch caliper native, non-invasive deciduous trees. The species of the replacement trees shall be of comparable species as the damaged trees, and the placement of the replacement trees shall be proximate to the area of each such damaged tree so removed, or in another area determined in consultation between the Applicant and the County's Urban Forester.

4. The HOA documents shall include a provision that prohibits removal of trees in Tree Conservation Areas, as shown on the record plat, after construction has been completed by the Applicant, without specific permission of the County's Urban Forester except as necessary to accommodate Forest Management Techniques, performed by or recommended by a professional forester or certified arborist, that are necessary to protect or enhance the viability of the canopy. Such Management Techniques may include, without limitation, pruning and the removal of vines, invasive species, trees uprooted or damaged by extreme weather conditions, and trees or limbs that are diseased, insect-infested, dead, or are considered a hazard to life or property. The HOA documents shall clearly state that such provisions prohibiting tree removal shall not be amended by the Owner or the HOA without written approval from the County, such approval not to be unreasonably conditioned, withheld or delayed. The record plat for each portion of the Property containing a Tree Conservation Area shall contain a note stating that the removal of trees within a Tree Conservation Area is prohibited except in accordance with the Declaration of Covenants.

B. Red Cedar Fence Row Along W&OD Trail

The Eastern Red Cedar Fence Row, located along the southwestern Property boundary adjacent to the W&OD Trail, shall be placed outside of the limits of clearing and grading and Applicant and its agents shall take commercially reasonable steps not to disturb this area other than for necessary utility crossings. Construction plans shall clearly define the limits of clearing and grading.

C. Geographic Information System Information

The Applicant will provide any digital data it has in its possession to the County for the Property's approved wetland delineation concurrently with the approval of the first record plat, or first site plan for the Property, whichever is first in time.

D. Energy Efficient Design

All proposed residential units will be required to attain Energy Star certification prior to the issuance of the occupancy permit for each unit.

IX. HOMEOWNERS ASSOCIATION

A. HOA General Responsibilities

All property owners at the Property shall be members of the Homeowners Association ("HOA") established to regulate use and provide standards for the construction, landscaping and use of privately owned land and structures within the Property. The HOA shall provide landscaping and lawn maintenance for all common areas and snow removal on all private streets, and shall contract for trash removal services. The HOA shall be responsible for the maintenance of all common recreational facilities and buildings, all stormwater management facilities, all private streets, and all sidewalks not otherwise maintained by the Virginia Department of Transportation ("VDOT").

B. Establishment of HOA

Prior to the approval of the first residential record plat at the Property, draft documents for the establishment of the HOA shall be submitted to the County for review and approval. The HOA shall be established prior to the approval of the first residential record plat or residential site plan for the Property, whichever is first in time. The option to be included within an existing community's HOA must be exercised, if at all, prior to the approval of the first residential record plat, or site plan, whichever is first in time, for the Property.

C. Inclusion in Existing HOA

In the event the Property is annexed into and made subject to an existing community's HOA prior to the approval of the first residential record plat or site plan for the Property, there shall be no requirement to establish a new HOA for the Property, as described above. In this event, the applicable documents for such inclusion of the Property in the existing community's HOA shall incorporate the HOA responsibilities set forth in paragraph A above and shall be submitted to the County for review and approval prior to approval of the first record plat or site plan for the Property, whichever is first in time.

X. GARAGE SPACE CONVERSION RESTRICTION

Prior to the approval of the first record plat or site plan, whichever is first in time, for any of the proposed single-family attached and single-family detached units on the Property, the Applicant shall record a restrictive covenant against the Property, as part of the applicable HOA documents, that requires at least one garage parking space in all single-family attached and single-family detached units to be retained for the storage of vehicles.

XI. ESCALATOR

Unless otherwise specified, all cash contributions enumerated in these proffers shall be subject to an annual escalator based on the CPI with a base year of 2009. This escalator shall take effect on January 1 of 2010 and change effective each January 1 thereafter.

XII. LIGHTING

Lighting at the Property shall be designed and constructed with cut-off and fully shielded lighting fixtures so that the light will be directed inward and downward toward the interior of the Property.

The undersigned hereby warrant that all owners with a legal interest in the Property have signed this Proffer Statement, that they, together with the others signing this document, have full authority to bind the Property to these conditions, and that the Proffers are entered into voluntarily.

Owner and Applicant

BELMONT LAND, L.C.
a Virginia limited liability company

By: _____ (SEAL)

Name: _____

Title: _____

STATE OF _____)

) to-wit:

COUNTY/CITY OF _____)

The foregoing Proffer Statement was acknowledged before me this _____ day of _____, 2009, by _____, as _____ of Belmont Land, L.C.

Notary Public

My Commission Expires: _____

EXHIBIT A

BELMONT ESTATES CONCEPT DEVELOPMENT PLAN

EXHIBIT B

ZONING ORDINANCE MODIFICATIONS

1. R-8 DISTRICT SETBACK MODIFICATION

Zoning Ordinance Requirements to be Modified

"Section 3-509. Additional Development Standards (C) Minimum Buffer. A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard (Section 5-1414(B) shall be provided where a development adjoins an existing or planned residential district, land bay, or development which has a minimum allowable lot size of 6,000 square feet or greater. Such buffer area may be included in open space calculations."

Proposed Modifications. The Applicant requests to reduce the 50' open space buffer required by Section 3-509(C) to 25' along the eastern property boundary adjacent to Stubble Road (to be vacated) and open space zoned PD-H4, from 50' to 20' along portions of the southern property boundary adjacent to a CR-2 district, and from 50' to 30' along the western property boundary adjacent to an R-1 district, as shown on the CDP.

2. R-8 DISTRICT PRIVATE STREET MODIFICATION

Zoning Ordinance Requirements to be Modified

"Section 3-511. Development Setback and Access from Major Roads. In designing residential development, the requirements of Section 5-900 shall be observed: (A) Private Streets. Roads, serving townhouse and multifamily uses only, may be designed and constructed to private streets standards set forth in the Facilities Standards Manual, provided the following conditions are met: (1) All residences served by the private road shall be subject to a recorded covenant expressly requiring private maintenance of such road in perpetuity and the establishment, commencing with the initial record plat, of a reserve fund for repairs to such road. (2) The record plat and protective covenants for such development shall expressly state that the County and VDOT have no and will have no responsibility for the maintenance, repair, or replacement of private roads. (3) Sales brochures or other literature and documents, provided by the seller of lots served by such private roads, shall include information regarding responsibility for maintenance, repair, replacement, and covenants pertaining to such lots, including a statement that the County has no and will have no responsibility for the maintenance, repair, or replacement of private roads. Roads serving other uses shall be designed and constructed to VDOT standards for inclusion in the state highway system."

Proposed Modification: The Applicant requests that the road serving the existing single-family detached unit located in Land Bay 2, as shown on the CDP, be designed and constructed to

Category "A" private street standards set forth in the Facilities Standards Manual, provided that the conditions listed in Section 3-511(A) are met.

3. PD-H4 DISTRICT SIZE MODIFICATION

Zoning Ordinance Requirements to be Modified

"Section 4-102. Size and Location. A PD-H district, when mapped, shall be no less than fifty (50) acres in size for a PD-H3, no less than twenty five (25) in size for a PD-H 4, and a PD-H 6 district. Smaller parcels that are adjacent to and a logical extension of an approved PD-H district may be approved pursuant to 6-1500. Land may be rezoned to the PD-H district where consistent with the provisions of the residential elements of the Comprehensive Plan."

Proposed Modification: The Applicant requests that the 25 acre minimum for a PD-H4 zoning district be eliminated to permit this approximately 20-acre PD-H district, administered as R-8.

4. PD-H DISTRICT SETBACK MODIFICATION

Zoning Ordinance Requirements to be Modified

"Section 4-109. Site Planning - External Relationships. Site planning within the PD-H district shall provide protection of the development from potentially adverse surrounding influences, and protection of surrounding areas from potentially adverse influences within the development. In particular and without limitation, the proposed development shall demonstrate the following features: (C) Uses adjacent to single-family, agricultural, or residential districts or land bays allowing residential uses. Where residential uses in a PD-H district adjoin a single-family residential, agricultural, or residential district or land bay allowing residential uses, or a commercially zoned development approved subject to proffers prior to adoption of this ordinance, the development shall provide for either: (1) Single family dwellings on minimum lots of (20,000) square feet or greater, exclusive of major floodplain, along such perimeter; or, (2) A permanent open space buffer along such perimeter at least fifty (50) feet in width, landscaped with a Type 2 Buffer Yard."

Proposed Modifications: The Applicant requests to reduce the 50' open space buffer required by Section 4-109(C)(2) to 30' along the western property boundary and to 25' along the northern and eastern property boundaries, and to 20' along portions of the southern property boundaries as shown on the CDP.

5. PD-H DISTRICT PERIMETER HEIGHT MODIFICATION

Zoning Ordinance Requirements to be Modified

"Section 4-109. Site Planning - External Relationships. Site planning within the PD-H district shall provide protection of the development from potentially adverse surrounding influences, and protection of surrounding areas from potentially adverse influences within the development. In particular and without limitation, the proposed development shall demonstrate the following features: (E) Height limitations at edges of PD-H districts. Except along boundaries where

adjoining districts permit greater heights within similar areas, height limitations shall be limited to an imaginary plane leaning inward from district boundaries at an angle representing an increase in height of one (1) foot for every one (1) foot of horizontal distance perpendicular to the district boundary. No portion of any building in such district shall project through said imaginary plane."

Proposed Modification: The Applicant requests that the buildings on Lots 1, 3, 4, 5, 6, 7, and 16 be allowed to pierce the imaginary plan leaning inward from the zoning district boundary at an angle representing an increase in height of one (1) foot for every one (1) foot of horizontal distance.

6. PD-H DISTRICT PRIVATE STREET MODIFICATION

Zoning Ordinance Requirements to be Modified

"Section 4-110. Site Planning - Internal Relationships. The PD-H district shall provide the following: (B) All arterial and collector streets serving a PD-H District, and all streets of any size serving residential (except townhouse and multifamily), commercial, office, institutional and industrial uses within a PD-H district, shall be designed and constructed to VDOT standards for inclusion in the state highway system. Roads serving townhouse and multifamily uses only may be designed and constructed to private streets standards set forth in the Facilities Standards Manual, provided the following conditions are met: (1) All residences served by a private road shall be subject to a recorded covenant expressly requiring private maintenance of such road in perpetuity and the establishment, commencing with the initial record plat, of a reserve fund for repairs to such road. (2) The record plat and protective covenants for such development shall expressly state that the County and VDOT have no, and will have no, responsibility for the maintenance, repair, or replacement of private roads. (3) Sales brochures or other literature and documents provided by the seller of lots served by such private roads shall include information regarding responsibility for maintenance, repair, replacement, and covenants pertaining to such lots including a statement that the County has no, and will have no, responsibility for the maintenance, repair, or replacement of private roads."

Proposed Modifications: The Applicant requests that the road serving the existing single-family detached unit located in Land Bay 2, as shown on the CDP, be designed and constructed to Category "A" private street standards set forth in the Facilities Standards Manual, provided that the conditions listed in Sections 4-110(B) are met.

7. VCOD DISTRICT FRONT YARD MODIFICATION AND

8. VCOD DISTRICT HEIGHT MODIFICATION

Zoning Ordinance Requirements to be Modified

"Section 4-2104. Additional Neighborhood Development Standards. Where the following requirements conflict with other provisions of this Ordinance, then the following requirements of this Section shall apply: (A) Contextual Compatibility Development Standards. (1) Average Front Yard. Adjacent buildings shall have front yard distances that maintain visual continuity of

the streetscape. Buildings shall have front yards consistent with the front yard of principal buildings on the same side of the street within 150 feet of both sides of the parcel or parcels being developed. (2) Building Height. Proposed buildings shall have a building height no greater than 50% higher than the highest building on the same side of the street within 150 feet of both sides of the parcel or parcels being developed, not to exceed the maximum building height permitted in the underlying zoning district. Notwithstanding the foregoing, accessory buildings within 150 feet shall not be included when determining the highest building."

Proposed Modifications: The Applicant requests that the front yards for proposed buildings in the Village Conservation Overlay district shall be permitted as shown on the CDP without regard to the average front yard depth of other parcels within 150' of the parcel boundaries and that proposed buildings in the Village Conservation Overlay District shall be permitted up to 45' in height (as permitted in the underlying R-8 Zoning District), without regard to the height of buildings located within 150' of the parcel boundaries.

9. VCOD DISTRICT LOT SIZE VARIATION MODIFICATION

Zoning Ordinance Requirements to be Modified

"Section 4-2104. Additional Neighborhood Development Standards. Where the following requirements conflict with other provisions of this Ordinance, then the following requirements of this Section shall apply: (B) Other Standards. (2) Variation of Lot Building Sizes. (a) In all new residential subdivisions containing six (6) or more lots, a mixture of lot sizes and dimensions shall be provided. For example, larger and wider lots are encouraged on corners. Smaller lots are encouraged adjacent to parks and open spaces. No more than 33 percent of all lots shall be similar in total lot area. For purposes of this subsection, "similar" lot areas shall be defined as within 500 square feet of each other.

Proposed Modification: The Applicant requests that Lots 1 through 21 be permitted to have similar widths and a lot area variation of less than 500 square feet.

10. VCOD DISTRICT GARAGE SETBACK MODIFICATION

Zoning Ordinance Requirements to be Modified

"Section 4-2104. Additional Neighborhood Development Standards. Where the following requirements conflict with other provisions of this Ordinance, then the following requirements of this Section shall apply: (B) Other Standards. (5) Garage locations. Front-loaded garages shall be setback at least 20 feet behind the front line of all principal buildings, except when a lot within 150 feet of, and on the same side of the street as, the subject lot has a garage setback less than 20 feet from the front lot line of all principal buildings on such lot, in which case the minimum garage setback shall be equal to the garage setback on such lot."

Proposed Modifications: The Applicant requests a modification of this Village Conservation Overlay District requirement to permit the minimum setback for front-loaded garages behind the front line of the principal building on Lots 1 through 21 to be eliminated.